



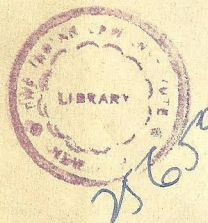
REPORT
OF
COMMISSION OF INQUIRY
INTO
CONSPIRACY TO MURDER
MAHATMA GANDHI

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PART II





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CHAPTER XVIII

BOMBAY

18.1 In Bombay Province there were four disturbing factors: (i) there was much public resentment against the threatened partition of India, (ii) the atrocities by Muslims on Hindus in Calcutta, Noakhali, Tripura and later in the Punjab, Bengal and Sind were agitating the minds of the Hindus, (iii) the coming of refugees in large numbers, and (iv) the Hindu Mahasabha was carrying on propaganda through the Press and on the platform in regard to the conditions of the Hindus. As a consequence there was Hindu-Muslim tension and the refugees were also getting violent against the Muslims. There was also Razakar trouble in the districts of the Bombay Province bordering on Hyderabad. There were, therefore, secret activities to collect arms to be used against Razakars both inside and outside Hyderabad. The police was constantly engaged in trying to meet this situation.

18.2 The Maharashtrian Government have produced secret abstracts from file No. 405/III. H.D. At page 79, there is an abstract dated March 30, 1947 wherein it is stated that one Mr. Gokhale advocated retaliation against the Muslims by saying, "Knife for Knife". This file also shows at p. 119 that on the 16th and 20th of June 1947 speeches were made by Messrs G. V. Ketkar, Khanolkar and Gokhale defending Hindu Mahasabha stand and Mr. G. V. Ketkar said that non-violence and misguided nationalism must be given up. Savarkar also spoke at that meeting.

Mr. Morarji Desai, Wit. 96—

18.3 Mr. Morarji Desai was the Home Minister of Bombay Government when the Congress Party again took office in November 1946 and held that office during the period with the happenings of which this Commission is concerned and particularly from after August 1947 till 1949 covering the tragic events culminating in the murder of Mahatma Gandhi and the trial and conviction of his murderers. He was examined by the Commission regarding the various incidents and happenings, which preceded the murder of the Mahatma and which are relevant to the inquiry. His testimony covers a wide field, extending over matters relating to conditions and political climate before the murder, threats to Mahatma's life, the reasons therefor, the quarters where the threats emanated from and the measures taken to meet those threats and avert those dangers.

18.4 Beginning with Ahmednagar and the happenings there he stated that the town of Ahmednagar itself was not disturbed although a section of the people in the town were determined to create mischief. The Hindu Mahasabha was trying to attract the refugees coming from the areas forming Pakistan, who had come to the district, and took full advantage of their dissatisfaction.

18.5 There were bomb incidents in the town in November and December 1947. The refugees and the Hindu Mahasabha were taking

out processions to create an atmosphere, more anti-Muslim than anti-Congress. Though he was not aware of Madanlal's attack on Raosahib Patwardhan, the Socialist leader, at a public meeting, yet the activities of both Karkare and Madanlal did come to the notice of Government and detention orders were passed against both of them; against Madanlal on the 16th January and against Karkare on the 24th January.

18.6 Commission is unhappy to notice the delay in carrying out the directions of the Government by the District Magistrate, preceded by the procedural delays in the Provincial Secretariat itself. Although direction for Karkare's detention was given by Mr. Morarji Desai on January 12, the letter from the Secretariat was not issued till the 19th and the District Magistrate's order for detention is dated the 24th a delay of 12 days. Detention orders are, it may be observed preventive in nature and in order to be effective, they must be promptly taken and promptly made operative otherwise the action is likely to become sterile as indeed it did become in this case, i.e. in the case of both Karkare and Madanlal. Preventive action requires promptitude, punitive action due consideration.

18.7 Mr. Morarji Desai emphasised that the police in Ahmednagar or in Poona were not pro-Hindu Mahasabha or pro-R.S.S. If they were and it had been brought to his notice he would have taken strong action. There is no reason to doubt that action would have been taken but who was to bring this fact to his notice is not clear. According to him, the bomb throwing in the town was directed against the Muslims although they created trouble against Government also because "these people did not like the Congress Government. The people who were throwing bombs were a class who would go to any length to create trouble against Government. They were Hindu Mahasabha people."

18.8 Documentary evidence placed before the Commission is indicative of attempts to invigorate Savarkarite Hindu Sabha ideology and of the action thereupon taken by the police to get intelligence of this movement.

18.9 Poona—Mr. Desai's attention was drawn to these documents; first to Ex. 54 a circular dated May 22, 1947 by the ADIG (Poona) which pointed out that attempts were being made to revitalise the Hindu Rashtra Dal. It asked the District Superintendents of Police to keep a watch over its activities and report to the Provincial C.I.D. about them. His attention was then drawn to Ex. 173 a note of Mr. Dehejia, Secretary, Home Department and Ex. 174 a circular thereon regarding taking precautions against the campaign by the Hindu Sabha parties to be started after August 15, i.e. the Partition. These two documents also mentioned the necessity of maintaining the efficiency of the police, its grievances being looked into and the desirability of keeping a closer contact between officers and men to ensure any dissatisfaction in the force being brought to the notice of the higher officers.

18.10 When asked for his comments on the question of dissatisfaction Mr. Desai said that this was done "*Ex abundanti cautela*".

The other matters mentioned in this note of Mr. Dehejia show the anxiety of the Government to be kept informed about all activities of the mode and the media of propaganda by the Extremists parties in which was included the Hindu Mahasabha.

18.11 Mr. Desai was next questioned about Ex. 175 which is a minute of Mr. Kher dated August 3, 1947, on the basis of which a circular dated August 8, 1947 Ex. 176 was issued in which the District Magistrates were requested to prevent Sikh refugees from addressing any public meetings. The underlying object he said, was to maintain communal peace in the districts, and the District Magistrates were to register the refugees on their arrival, to enable the Government to give them aid. The happenings at Ahmednagar by Visapur refugees do not show any serious attempts to give such aid. There were vague promises by Mr. Joshi the District Collector but even he does not depose to any tangible help being given to rehabilitate them. A little more sympathy from the Congress parties and a little less rigid attitude towards the refugees could have prevented them from falling into the hands of the communal parties.

18.12 Mr. Desai then stated that the Hindu Mahasabha and its press were indulging in highly inflammatory communal propaganda, in consequence of which action had to be taken against the latter under the Press Emergency Powers' Act. He could remember that there was a newspaper called the 'Agrani' of which the editor was Nathuram Godse, whom he knew, and the proprietor was Apte.

18.13 In pursuance of a note (see infra para 19) by Mr. B. G. Kher and circular based thereon the C.I.D., police compiled lists of Hindu Mahasabha and R.S.S. workers for the districts of Poona and Ahmednagar and sent them to Government (Ex. 114 and Ex. 114A). But what came out of it or what further action was taken by the police to comply with the requirements of the circular does not appear from the evidence. At least there is nothing to show what concrete steps were taken to subserve the achievement of the laudable objective behind the circular, which appears to have been this that the Government wanted to be kept informed of the persons in that organisation and of their activities.

18.14 Mr. Morarji Desai was then asked about the bomb explosion at Poona practically in the heart of the city. Exhibit 155 relates to this incident showing that a bomb was thrown from the top of and near the city library in Poona City on June 26, 1947 resulting in injuries to "a boy" and damage to a motor truck. One N. R. Athawle, a Hindu Mahasabhaite was arrested and he made a confessional statement before a Magistrate under S. 164 Cr. P. that the bomb had been given to him by N. D. Apte of "*the Agrani*", with the instructions to throw it from a height and he admitted that he had thrown it on the road from the second floor of the City Library. Apte was arrested on 4th July, 1947 but a search of his house showed nothing and nothing incriminating was recovered.

18.15 It may be remarked that the similarity between this case and the case of recovery of a large quantity of arms and ammunition from the house of V. R. Ketkar of Ahmednagar is significant. In both cases the persons arrested made confessional statements involving

prominent Hindu Sabha workers, Apte in the Poona case and Karkare in the Ahmednagar case. In both cases the persons named escaped without a scratch and in one case even the confessed bomb thrower could not be prosecuted. The D.S.P. Poona surprisingly stated it was not thrown on any one, as if hurting a boy and damage to a motor truck was of no consequence. In both cases the confessions were retracted and the police found no other evidence against these prominent workers. Whether the concessions lulled them into inaction or they were unable to find any tangible and credible evidence in these cases, the Commission has been unable to discover; but the parallel is striking if not indicative of a pattern of Hindu Mahasabha militant party's *modus operandi*.

18.16 On the 9th July, Mr. Kher wrote a note on the file, when the matter of the Poona bomb went to him after passing through the various Secretariat *echelons*, wherein he said "Was not the Editor of the Agranī arrested? I would like to know the progress". Mr. Morarji Desai was asked how the editor of the Agranī's name came to be mentioned when there was nothing in exhibit 155 (the bomb matter) to show any connection between *the Agranī* and the throwing of the bomb, and his reply was that the name of the Agranī must have been mentioned in one of the weekly letters.

18.17 When the papers came to Mr. Desai for sanction for prosecution under the Explosive Substances Act (exhibit 158) he recorded a note on 5th August that his information was that the confession had been retracted and if that was so what was the evidence to prove the guilt of the accused persons. On this Mr. Kher wrote: "This matter must be treated more seriously. We must impress it upon the D.S.P. that he is to investigate the case thoroughly. The Agranī has stated it is a matter of high honour that the Hindu Sabha should be accused of throughing a bomb—H. D. is returning his security. Is terrorism to be allowed to be openly encouraged? I would like to see Secretary H. D." This is demonstrative of Mr. Kher's anxiety in relation to the incidents of bomb throwing.

18.18 The matter was evidently discussed and the District Magistrate was through Ex. 156 dated July 12, 1947 asked to report how the case stood. His reply dated July 29, was sent along with the report of D.S.P. dated July 23, 1947 which is a revealing document showing the activities of Athawle whom the police had been suspecting for illegal activities since long. But there is nothing indicative of any particular attention being given to Mr. Kher's direction to the authorities to make proper and thorough investigation of the matter or whether as a matter of fact the direction was complied with by the local police. This matter has been discussed at another place connected with the happenings in Poona.

18.19 Mr. Desai was next asked about exhibit 177, dated August 1947, an order of Mr. Kher about preparing a list of and keeping a strict watch on the operations of the members of the Hindu Mahasabha organisation and of the R.S.S. To this order Mr. Desai had added that this be done within 10 days showing need for expedition. He has also said that Hindu Mahasabha and R.S.S. were working together. These lists were asked for, according to Mr. Morarji Desai, because the Government wanted a strict watch over the activities of

all these organisations on account of the attitude they had adopted in regard to the Partition of the country. He said "the object of preparing this list was that prior watch might be kept on their activities, at that time. R.S.S. and Hindu Mahasabha were working together and Government was anxious to know who were the persons who were anxious to know who were the persons who were directing the activities of the Mahasabha and that is the *raison d'être* for the lists and getting special reports in regard to them. But afterwards when the D.I.G. wrote that the same information was being sent in the weekly reports, a Cabinet meeting considered the matter and ordered the discontinuance of the special reports." It may be mentioned that Mr. Dehejia in his evidence stated and the documents show that he considered the getting of the reports necessary. According to Mr. Morarji Desai, Dehejia must have said so because the original order had come from the Premier and the Home Minister. Evidently that was not the opinion of Mr. Dehejia who thought that separate reports were necessary; perhaps it might have been better if they had been continued because when any particular matter is separately treated, it is likely to receive special consideration and greater attention is likely to be given to it but evidently the Cabinet thought it otherwise and ordered their discontinuance. Mr. Desai added that if there was anything particularly inflammatory or objectionable matter in the speeches of any person they were separately reported to Government because the weekly reports contained summaries only. Supra para 13.

18.20 The Commission had summoned Mr. L. N. Patil, the Minister under whose signature the note regarding discontinuing special reports was recorded but unfortunately and much to Commission's regret he died in the train en route to Bombay and Commission could not therefore examine him on this point.

18.21 Mr. Morarji Desai was then examined and closely questioned in regard to the letter which Mr. G. V. Ketkar claims to have got sent to Bombay Government through Balukaka Kanetkar. He was asked—

"Q. Did Balasahib Kher ever talk to you about this letter?"

"A. I think, he did but as far as my memory goes, no names were mentioned in that I do not think I saw the letter. Balasahib told me of the contents of the letter. As far as I can recollect, no names were given".

"I cannot remember if I ever saw the letter but as far as I can recollect no names were mentioned by Balasahib Kher."

He added

"From my recollection I can say that the letter seemed to show that the atmosphere was very tense and there was danger to the life of Mahatma Gandhi which several other people were saying and which we also felt because of the atmosphere which refugees had created".

The witness emphasised that Nathuram Godse's name was not mentioned by Balukaka Kanetkar.

18.22 He was then asked about Balukaka's article in the Purshartha (Exhibit 166) wherein there is an alleged reiteration by Balukaka of informing the authorities that Nathuram Godse had said that

Mahatma Gandhi should be killed but Mr. Morarji Desai said that he had not seen it. Mr. Morarji Desai added that at the time when Partition came about the atmosphere in Poona particularly was very tense amongst the Hindu Mahasabha circles with a tendency in the Hindu Mahasabha Press to advocate violence. Amongst certain circles the atmosphere against the Congress and Gandhiji was very tense which was expressed in rather intemperate and violent language.

18.23 Referring to the article of Mr. N. V. Gadgil (Exhibit 103) Mr. Morarji Desai said that it was true that in the particular leadership in Poona referred to in the article an atmosphere was being created by newspapers conducive to violence so much so that Government had to demand securities from those newspapers and forfeited securities in the case of some of them. He added—

“The spirit of this violence was there since Partition was announced. It became stronger when the Partition took place and the refugees came from what became Pakistan and it was at its height at the time of the fast.”

18.24 Mr. Desai said that Balukaka Kanetkar talked to him also and he told him that the atmosphere in Poona was very tense and there was danger to the life of the Mahatma as also to the life of Congress leaders generally but he never mentioned any names of the likely assailants and never mentioned the names of Godse or Apte; had these names been mentioned to Mr. Kher he would certainly have mentioned them to him and he (Mr. Desai) would have taken strong action against them, the least being detaining them under the Bombay Security Measures Act. He added—

“I do not agree that there was any complacency or the matter would have been taken lightly even if the names of these persons had been given. Even otherwise people were worried and all of us including Sardar Patel, myself and my chief, Balasahib Kher, were worried about it and we mentioned the matter to Gandhiji about the danger but we could not do anything more than what we did, i.e., to keep some plain clothes men around Mahatma Gandhi.”

18.25 But the danger, according to him, was not confined to Poona; it was from all over the country, specially in the north where there was a large number of refugees, who had suffered terribly and had their tales of horror to narrate. Mr. Morarji Desai did not accept the claim of Balukaka Kanetkar that he was the only person who for 6 months had been trying to prevent the tragedy which ultimately overtook the country. He could not remember Mr. Kher or himself receiving a telegram from Balukaka Kanetkar, but Mr. Morarji Desai was emphatic that no names were ever mentioned to him; otherwise suitable action would have been taken. The first time any names were mentioned to him was when Prof. Jain talked to him on January 21, 1948.

18.26 Mr. Morarji Desai admitted that about the time the fast was undertaken there were rumours that there was a conspiracy against Mahatma Gandhi because of the partition and of the giving of the 55 crores but he never heard anybody saying that there was no escape for the Mahatma.

18.27 Mr. Morarji Desai was then examined regarding the statement made by Mr. Khadilkar before this Commission and his reply was that no information was given by that gentleman to Balasahib Kher or to himself. But he emphasised that both Mr. Kher and himself were worried about the information that they had already received. He again reiterated “Balukaka Kanetkar had already talked to us about the danger to the life of Mahatma Gandhi; others also said so; the rumours were already there and we realized that there was danger”.

18.28 Mr. Desai said that he was very anxious to convey to Sardar Patel the information which Prof. Jain had given him. That is one of the reasons why he went to Ahmedabad and the first thing that he did at Ahmedabad was to give that information to Sardar. So important did he regard it.

18.29 When Mr. Morarji Desai got the information from Professor Jain he called Deputy Commissioner of Police Special Branch Mr. Nagarvala but as he could not come at once at that time, he asked him to see him at the Central Railway Station where he gave the whole story to him. As Mr. Morarji Desai had a strong feeling that Savarkar was behind the conspiracy he asked Savarkar's house to be watched. Savarkar's name had been mentioned by Madanlal to Prof. Jain and by him to Mr. Morarji Desai but not as a conspirator. He did not ask Nagarvala to arrest Savarkar because no case could be made against him.

18.30 He was convinced about the genuineness of what Prof. Jain had told him. Jain was at the time nervous not because he was afraid that he might be involved in the case but because of what had already happened and he was feeling guilty in his mind for not giving the information earlier. Mr. Morarji Desai added that had information been given by Prof. Jain earlier it would have been easy to trail Madanlal, Karkare and Savarkar and from that to discover who the others were. Jain gave only the three names above mentioned Madanlal, Karkare and Savarkar. He did not say that he had told Mr. Jayaprakash Narayan or Mr. Ashoka Mehta or Mr. Harris. Further, Jain did not say that Madanlal had disclosed to him the places where arms had been kept or of the place which was guarded by a person who looked like a Sikh. Jain told him that Madanlal had disclosed that he and his companions were going to Delhi to throw a bomb, but he did not mention anything about the kidnapping of Mahatma Gandhi, or that a bomb would be thrown to create confusion in order to facilitate the kidnapping. At that time no indication was given to Mr. Desai of the intention of anyone to kidnap Mahatma Gandhi. He only came to know about it in November, 1949 when the explanations of police officers were called for after the trial court's strictures.

18.31 Prof. Jain did tell Mr. Morarji Desai that Madanlal had disclosed to him that he (Madanlal) and his companions were going to kill Mahatma Gandhi but he had not involved Savarkar in it.

18.32 Mr. Desai then said, “I was asking Nagarvala about any further progress of the case. In my opinion, the practice which prevails in England that starting and withdrawing of cases is the sole

responsibility of the Attorney General is not the constitutional practice in India." This question has been discussed at greater length at another place. (Chapter VIII). He added he did not ask Mr. Nagarvala about every minute detail but "I asked him how his work was preceeding. I did all that what I thought proper and best in the circumstances."

18.33 Mr. Morarji Desai was then examined as to the letter of Professor Jain to late Prime Minister (exhibit 47 dated 20th April 1948). Mr. Morarji Desai had never seen it before. When asked about Prof. Jain's complaint of rough treatment he got from him Mr. Morarji Desai denied it, he added that he had never said to Jain that he (Jain) was one of the conspirators and that he had helped Madanlal. He could not recall saying to Jain that he would put him under arrest. He might have raised his voice a little in saying that he (Jain) had no business to charge the Ministers with negligence in the circumstances that he himself had created. He did not say that Jain should be arrested because if Jain had been guilty he would have had Jain arrested without having to tell him. He also denied that Jain ever gave him "connected names" in the first or second interview or that there were some persons whose names were given but they were going about scot-free. Jain never suggested what they should have done or what they did not do.

18.34 When asked why the Inspector General of Police, Mr. Kamte and the Commissioner of Police Mr. Barucha were not taken into confidence, the witness replied that Nagarvala was incharge of the C.I.D. (Special Branch) and the information could not be dispersed among so many officers. Besides he did not consider Barucha to be very competent and Kamte was in Poona; and he had no real control or jurisdiction over Bombay city. It may be remarked that as things turned out later and in the light of the disclosures as to the names of the conspirators which later transpired, perhaps Mr. Kamte's assistance with his control of the Provincial Police would have been helpful. But that one can say now after knowing all the facts; could it be so said with the limited information that then existed? It is doubtful.

18.35 Mr. Morarji Desai was then asked about the Police Officers who had come from Delhi and his reply was that Nagarvala had told him of their coming but not what information they conveyed to Nagarvala. He added nobody had shown him any copy of the statement of Madanlal made to the Delhi Police nor did Nagarvala say that any such copy had been brought. Even when Rana came to see him the next day i.e. the 28th, he did not bring a copy of the statement of Madanlal with him nor as far as Mr. Morarji Desai could recollect did he mention about the copy of the statement having been brought by him from Delhi. If he had done so, he would have asked the copy to be shown to him. He added that if Nagarvala had seen this copy he would certainly have taken action on it because, according to him Nagarvala was an efficient investigating officer which was the reason for his subsequently appointing him as investigating officer, in the murder case. Nagarvala had complained to him that during the period 20th to 30th full cooperation was not given to him by the Delhi Police nor were the papers shown to him. He added, that this was on a vague kind of recollection and this might have happened

after the 30th. It appears that this must have been after the 30th, because there was no occasion for the Delhi Police to show any papers to Nagarvala after the two Delhi Police officers had returned.

18.36 Mr. Morarji Desai said that when he first heard the radio news about the murder of Mahatma Gandhi he was afraid that it might be a Muslim who had done it. If that had been so there would have been country-wide communal disturbances.

18.37 Regarding precautions against violence Mr. Morarji Desai stated in reference to Poona that there was certain amount of violence or incitement to violence in that area and that no special precautions were withdrawn regarding the watching of the movement of those from whom this danger was apprehended.

18.38 In this connection reference may again be made to the order for special reports regarding those members of R.S.S. and the Hindu Mahasabha whose names the police sent in Ex. 114, Ex. 114A and B. and Ex. 115 and the subsequent orders passed thereon i.e. discontinuing the sending of these reports (Ex. 113C of October 8, 1947). Mr. Morarji Desai said that by the order of withdrawal dated 9th October, 1947 only special reports were ordered to be withdrawn and that was because of the suggestion of the D.I.G., C.I.D., that the weekly and monthly reports contained the same materials which the special reports would have contained. Besides the discontinuance was only for the time being, and also the special reports had served their purpose and were no longer necessary because the object of the original order was to get the names of the office bearers of the Hindu Mahasabha and R.S.S. in order to find out what exactly they were doing so that a close watch could be kept on them. But no watch is proved to have been kept.

18.39 Mr. Morarji Desai stated that he had no idea, not even an inkling about the reference by Balukaka to Nathuram Godse's speech. He was never told that a speech had been made by Nathuram Godse or by anybody else threatening Mahatma Gandhi's life but the information was in general terms e.g. "there was air of violence and the life of Mahatma Gandhi might be in danger". The police took proper precautions by taking searches but they could naturally do nothing about matters they did not know about and one cannot take action on everything that one hears".

18.40 It may be correct that the object of calling of the special reports had already been fulfilled in that Government was apprised of the names of leaders of Hindu Mahasabha and the danger they portended or threatened but there is nothing to indicate as to what kind of a watch was as a matter of fact kept; still less can one say that the Intelligence was vigilant enough to ferret out information about the activities and malevolence of these various members of the Hindu Mahasabha and the R.S.S. There is no evidence that the information thus collected and which included the names and activities of all the future principal participants of the Gandhi Murder Conspiracy was gainfully made use of in curtailing the violence which pervaded the atmosphere around Poona.

18.41 Mr. Gadgil's article disclosed that a friend of his a Mr. Jedhe, M.C.A. came to Delhi from Poona on 15th January 1948, and he (Jedhe) knew that Godse and others had chalked out a plan in Poona and send-offs were being given to them. If Jedhe could come to know about it, it should have been possible for the Provincial or local Intelligence also because according to Mr. Khadilkar, the Intelligence Officer Inspector Angarkar was "with us". This fact of the feasting was deposed to by Mr. Gadgil. As a witness he said—

"Godse and his friends were being feasted as they were to go and murder Gandhiji and there was a function at Tilak Samarak Mandir".

18.42 Mr. Morarji Desai did say that Police Intelligence was weak and weakness still continues but surely it could not be so weak and so inept that if feasting was done to felicitate people who were going to murder Mahatma Gandhi the Police should have known nothing about it unless it was done in a very secret manner as is usual in the case of conspiracies. In that case it should have been impossible for Jedhe to know of it unless he was a close friend or a clever sleuth. One cannot imagine him to be either. The story about feasting seems rather facetious.

18.43 Mr. Morarji Desai was then examined regarding his speech in the Bombay Legislative Assembly on March 12, 1949 Ex. 232 wherein he had said that the Police Officer, meaning Nagarvala, was asked to take action against every one who was under suspicion. He had said that the names of Karkare and Savarkar had been given to him by Jain. He had directed that Karkare should be arrested, a watch kept on Savarkar's house and every one who was found connected with the offence must be arrested. He added that it would have been the ordinary duty of the officer to do everything possible under the Bombay City Police Act in connection with the information given to him.

18.44 Mr. Morarji Desai was questioned about his statement that they meaning the conspirators were arrested after some time, and that their movements were controlled and all the while kept under observation "so that we might get a clue". The reference, said Mr. Desai, was to persons against whom the police had suspicion. When he said "they tried to arrest them but they could not arrest them because they were not there", the reference was to the people who were absconding and were not traceable. The words "their movements were controlled" were used in a loose way and perhaps do not fit into the context correctly; the meaning really was that the police were on the look out for them. He added "I was enquiring from Nagarvala as to the progress of his investigation from the time I gave him information i.e. on the 21st January 1948. I also continued taking interest and kept on getting information from Nagarvala about what was happening after the murder". The practice of special interest by Ministers in police investigation can become oppressive because of the danger of the overzeal of the police in India, which may result in unsavoury keenness to produce results; and it is capable of being

directed against political opponents and in favour of political friends, which in a party system of Government may be a dangerous portent and may lead to political oppression. One has therefore to be very circumspect. But Mahatma's case would be an exception.

18.45 Mr. Morarji Desai was then asked about the portion of his speech that Madanlal had made a fuller statement than what Jain had told him; his reply was that he was referring to the newspaper reports about Madanlal having made a statement in Delhi after his arrest; but the newspaper reports as far as Commission has been able to see were more cryptic and may not be capable of the meaning which Mr. Morarji Desai attached to it.

18.46 Mr. Morarji Desai could not recollect Nagarvala having told him that Delhi Police could be won over and Mahatma Gandhi could be kidnapped nor about a Sikh going to the Speaker of the U.P. Assembly nor about the theory of kidnapping of Mahatma Gandhi. If he had mentioned any such thing he would have disabused Nagarvala's mind about the matter. Mr. Desai always associated the bomb throwing with an attempt on the life of Mahatma Gandhi and not with his kidnapping. He could also not remember the mention of Badge's name in Exhibit 8 nor that Badge and Karkare were always together and were good friends. Nagarvala never told him that any statement of Madanlal had been brought to him.

18.47 Exhibit 168 is the office notings on the explanation of Mr. Nagarvala Ex. 14 which he submitted after the judgment of Judge Atma Charan. The noting is interesting as it points out the omissions in the conduct of the investigation between 21st and 30th January, 1948 which were these: no effort to contact Ahmednagar or Poona Police, not taking into confidence his brother officers and confining police activities to watching suspected persons in Bombay. These notings were seen by Mr. Desai. The note was discussed with the Secretary and then ultimately it was decided and ordered that the explanation be sent along with the annexures to the Central Government.

18.48 Mr. Morarji Desai had a faint recollection about Mr. Purshotam Trikamdas witness No. 15 having seen him but he could not remember who the man with him was. When the statement of Mr. Purshotam was read out to him, he said he could not remember who the man was nor what he said and if he had said that the conspiracy was to murder Mahatma Gandhi he must have referred the man to the Police. Mr. Desai said that the real cause of the murder was that the Hindu Mahasabha was strongly opposed to the Mahatma, considered him to be enemy of Hinduism and therefore they viewed everything from that angle. He agreed with Mr. Kamte about his suggestion as to what he would have done if the information had been given except that no case could be registered and that Bombay Police could not be sent to Delhi unless the Delhi Police asked for them.

18.49 When asked about Mr. S. R. Bhagwat, Mr. Desai said that he knew Bhagwat but he could not remember if he wrote to him about the danger to Mahatma Gandhi's life; but he must have done so if he says so.

18.50 Mr. Morarji Desai was examined at length and practically every aspect of evidence concerning Bombay was put to him and his comments were invited. His statement, in short shows—

- (1) That from the middle of July 1947 news was being received about the danger to Mahatma Gandhi's life and to the life of other Congress leaders; but the news was vague and there was nothing definitive as to the location of the danger.
- (2) Speeches and activities of the Hindu Mahasabha and R.S.S. were of a prejudicial and violent nature as a consequence of which orders were passed for a list of the members of the two organisations to be prepared and the Police was directed to send special reports in regard to their activities.
- (3) Balukaka Kanitkar had written a letter to Mr. Balasahib Kher; the gist of the letter was communicated to Mr. Morarji Desai by Mr. Kher but no names were mentioned and the information was vague.
- (4) In the Maharashtra region, there was general disaffection against the Congress because of its agreeing to Partition of India; to its giving 55 crores to Pakistan; and because of the miseries and indignities which the Hindu and Sikh refugees from West Pakistan and other parts of Pakistan had to undergo and the atrocities to which they were subjected.
- (5) Although Mr. Morarji Desai could not remember about Mr. R. S. Bhagwat's communication he was prepared to accept that if Bhagwat said he had written something he must have done so.
- (6) The name of Nathuram Godse was never mentioned to him nor was he ever told that any speech had been made by Nathuram Godse or anybody else threatening the life of Mahatma Gandhi.
- (7) He admitted that there were threats of violence in reference to Poona and certain precautions were taken or ordered to be taken.

Precautions, as far as the Commission has been able to see, were the preparation of a list of the Hindu Mahasabha workers and the sending by police of special reports in regard to their activities which were subsequently countermanded at the instance of the D.I.G. (CID), Poona. Besides this the securities of newspapers were confiscated and many Hindu Mahasabha workers were ordered to be detained.

- (8) A bomb was thrown in Poona in which the proprietor of the Agrani, N. D. Apte, was stated to have been involved, but due to lack of evidence that case could not proceed. Thereupon Mr. Kher wrote a strong note to the effect that the local police should be more vigorous in the investigation of such cases. Mr. Kher did not like confiscated securities to be returned to papers like the Agrani but the

return of confiscated securities evidently was done as a measure of general goodwill towards all newspapers on the advent of independence.

- (9) There were rumours of a conspiracy against Mahatma Gandhi because of the reasons which have already been stated but Mr. Morarji Desai did not hear anybody saying that there was no escape for the Mahatma.
- (10) When Mr. Desai was asked about the statement of Mr. Khadilkar, of Mr. Jedhe and of Mr. N. V. Gadgil, he said that he had no information about them because these gentlemen never gave any information to him, which appears to be correct. There is no proof that any of these gentlemen had apprised the authorities of the impending danger; not even Mr. Gadgil who was a Central Minister.
- (11) When Mr. Morarji Desai's attention was drawn to Ex. 103, the article of Mr. N. V. Gadgil, he said that there was a spirit of violence as soon as the partition was announced, it became stronger when the partition took place and the refugees started coming from Pakistan; and it was at its height at the time of the fast of the Mahatma.
- (12) Mr. Morarji Desai strongly repudiated allegations of complacency in regard to the information which they as Government were receiving about the safety of the Congress leaders. Whatever information he got, was conveyed to Sardar Patel and to the Bombay Premier, Mr. Balasahib Kher. The matter was also mentioned to Mahatma Gandhi but nothing more than keeping plain clothes policemen could be done. It is significant that this information was not passed on to the secretariat or the Police with direction to make discreet enquiries, with a view to taking appropriate action. As stated earlier Press securities were confiscated and Hindu Mahasabha workers were detained under the Detention Acts.
- (13) The danger to Mahatma Gandhi, according to Mr. Morarji Desai, was not confined to Poona alone. It was from all over the country, specially from the North, where there were large numbers of refugees who had suffered terribly.

The Commission is unable to appreciate this portion of the statement. If news of danger and threats to the life of Mahatma Gandhi and other leaders was coming from Poona, then the responsibility of the Bombay Government was only with regard to that danger and not with regard to what was happening in the North; and if such news was coming from the North, also it was no excuse for not taking proper action in Poona.

- (14) Mr. Morarji Desai did receive information given by Prof. Jain which he conveyed to Mr. Nagarvala with directions to arrest Karkare and keep a watch on the house of Savarkar. He also rightly said that had Prof. Jain given this information earlier, they might have been able to do something in regard to stopping Karkare etc. from going to Delhi.

(15) Mr. Desai kept himself informed of the investigation which was being conducted by Mr. Nagarvala. But evidently his attention was not drawn towards the kidnapping theory.

(16) Mr. Morarji Desai was making enquiries from the Police about the arrest of Karkare and he was told that his brother's house in Bombay was being watched and that Karkare himself was not in Ahmednagar.

18.51 *Kidnapping Theory*—Mr. Morarji Desai stated that he did not agree with the kidnapping theory which as a matter of fact was never mentioned to him and if it had been, he would never have accepted it because it was an impossible proposition.

18.52 *Proceeding* Mr. Desai said that Mahatma Gandhi was not agreeable to a search of every person as a matter of course. He was opposed to indiscriminate search of persons attending his prayer meetings

18.53 In cross-examination by Mr. Kotwal, he said that he could not remember seeing the letter by Balukaka Kanetkar to Balasaheb Kher. It was never put on any Government record and he reiterated that the information that was given to him was of a general and vague nature to the effect that Mahatma Gandhi's life was in danger which he (Mr. Desai) might have gathered from his talk with Balasaheb Kher and with Balukaka himself. From the talk he had with Balukaka and from other information which he got, "It was not possible for me to locate anybody in particular as the likely assassins of Mahatma Gandhi". If he had the slightest inkling about particular persons being in the conspiracy, he would have put it down by all means at his command. "I could not say who the exact persons were who would do harm to Mahatma Gandhi but from the information I had, I could say that they were likely to be either the refugees or the R.S.S. and Hindu Mahasabha, not necessarily from Poona." He added that that class of persons who were dispersed all over the country were more in the North than in Bombay.

18.54 Mr. Kotwal then drew his attention to Exs. 172, 173 and 174 which begin with Mr. Kher's note about likelihood of terrorism in Bombay Province, the note of Mr. Dehejia on it and the circular which followed thereupon addressed to the various heads of the police in Bombay and in the Province. Ex. 177, he said, showed that the Bombay Government had ordered that the information be obtained discreetly and Hindu Mahasabha Organisations secretly watched and reports submitted. Whenever there was any objectionable matter in any newspaper, action was taken against it under the Bombay Press Emergency Powers Act and also the Preventive Detention Act. Quite a number of Hindu Mahasabha workers were detained.

18.55 Attention of Mr. Desai was then drawn to Ex. 172 dealing with the welcome to Daji Joshi. That matter along with the information which Balukaka Kanetkar had given and the atmosphere of violence which had been created in Poona was discussed between the top-ranking officers of the State i.e. Mr. Kher, Mr. Morarji Desai and the Home Secretary Mr. Dehejia.

18.56 Replying to another question Mr. Desai said that no question arose about any immediate particular action because there was no information about any particular person. People were kept under observation and whenever anything tangible was found against any newspaper or individual, action was taken by the demand of security or the detention of any such person. Lists of Hindu Mahasabha and R.S.S. and Hindu Rashtra Dal leaders were supplied to Government. Their political activities were watched but he was unable to say which one of them was trailed and which one of them was not but some of them were trailed. He added that the information which Balukaka Kanetkar had given in the letter to Balasaheb Kher was brought to the notice of Sardar Patel both by Balasaheb and by himself (Mr. Desai). Mr. Desai also informed him of the danger to Mahatma Gandhi's life some time in August-September, 1947; but the Sardar had this information from his own sources also. So, the Sardar knew what measures had been taken by the Bombay Government as they were mentioned to him by Mr. Desai. As a consequence of all this, a security guard was put on Gandhiji's residence soon after he returned from Calcutta. This was a result of the reports which Sardar got as to the danger to the life of the Mahatma.

18.57 Securities were returned to the newspapers as a gesture of goodwill on the country's attaining independence. There was no indication from the writings or speeches of Nathuram Godse that he was going to murder Mahatma Gandhi or that there was any conspiracy.

18.58 The attention of witness was then drawn to Ex. 233, an article in Hindu Rashtra dated September 7, 1947, and his reply was, "I cannot say that Godse was not inclined towards violence but he very cleverly clothed his intentions by referring to peaceful methods". His attention was also drawn to other articles, Ex. 233-A to 233-J.

18.59 In answer to Mr. Kotwal's questions, Mr. Desai said that there was no doubt in his mind that they had done all that they could and they gave their best throughout.

18.60 His attention was drawn to his speech in the Bombay Legislative Assembly Ex. 232. He said that whatever was contained therein regarding the police was from his personal knowledge.

18.61 In answer to a question by the Commission regarding nothing being done to locate Karkare after he vanished from Ahmednagar, the reply of Mr. Desai was: "No. It is not so because I was keeping in touch with and I was making inquiries as to what the police had done about Karkare. I was told that the house of Karkare was kept under watch during those days but they could not trace him." He added that he had told Nagarvala on the 21st that an order for Karkare's detention had already been passed in order to prevent him from doing any mischief against Muslims. Continuing Mr. Desai said, "Nagarvala was frequently reporting to me about what he was doing. He might have seen me two or three times but exactly how many times it is difficult to say. I was anxious to know what Nagarvala was doing about Karkare. Nagarvala told me that Karkare was not in Ahmednagar. All I can say is that Nagarvala told me that he had contacted the Ahmednagar Police."

18.62 Reverting again to the kidnapping theory, he said that he had no recollection of Jain telling him anything about the kidnapping of Mahatma Gandhi and even if Jain had told him about the conspiracy to kidnap, he would still have asked Nagarvala to look into the matter and make his investigation as ultimately the object of the conspiracy was to murder him and not mere kidnapping.

18.63 When attention of Mr. Desai was drawn to the portions of Nagarvala's statement relating to kidnapping theory, he replied that during the investigation Nagarvala never told him anything about the kidnapping and he would never have accepted that theory.

18.64 In Mr. Desai's opinion, Nagarvala did all that could possibly be done.

18.65 In answer to questions by Commission, he said that Nagarvala did not tell him that the Delhi Police officers had mentioned the editor of the Agrani. On the other hand, he was complaining that they were not very cooperative. As said earlier this must have been after the murder. Before the murder there was not even an inkling of Godse and Apte being in the conspiracy. When the murder took place, Mr. Desai could not imagine that it had been committed by someone from Poona. He knew Nathuram Godse editor of the Agrani.

18.66 Mr. Desai said, "I have heard from Counsel portions from the evidence of Nagarvala as to what he was doing qua kidnapping theory but that would not impair the value of the investigation which was being carried out under my instructions. But during the investigation Nagarvala never told me anything about kidnapping as far as I remember". Nagarvala never told him that the Delhi Police officers had mentioned the name of the editor of the Agrani and there were not even an inkling of Godse and Apte being in the conspiracy before the murder. Nagarvala had not told him that Delhi Police officers had asked him to arrest the editor of the Agrani. Had this name been mentioned even the most incompetent officer would have arrested him.

18.67 Mr. Desai then said from the description in the statement exhibit 1, it was not possible for him to identify any newspaper and certainly not this newspaper. There was no paper known as the "Rashtriya". The Commission may here observe that this was a Punjabi way of describing the name of the newspaper. This description was different from that contained in Ex. 5-A. He did not remember whether Nagarvala had informed him that Badge's name had appeared as a dealer in illicit arms.

18.68 Continuing Mr. Desai said that Sardar Patel told him even in September 1947, that he wanted every visitor to Mahatma Gandhi to be searched but Gandhiji would not allow it. After the 21st January, he was told there were more policemen to guard the Birla House and the person of Mahatma Gandhi.

18.69 When asked whether the name of Nathuram Godse and Apte were included in the list of persons whom Nagarvala proposed to arrest, Mr. Desai said that their names never transpired in the list. He could not say whether Nagarvala had the list of names in Exhibit 114 or not.

18.70 Counsel for Bombay then examined Mr. Desai regarding the speech in the Bombay Legislative Assembly exhibit 232.

18.71 Cross-examined by Mr. Lal for the Government of India Mr. Desai said that he would have expected that Mr. Nagarvala would take the help of the Ahmednagar Police and arrest Karkare if he was there. Nagarvala had told him that he was trying to trace the whereabouts of Karkare from which he concluded that he would be in touch with Ahmednagar.

18.72 When asked whether D.I.G. (C.I.D), Mr. Rana, had told him that he had had everything with Nagarvala. The reply of Mr. Desai was, "I can't say". Everyone including Nagarvala was working on the theory. Everyone including Nagarvala attempt on the life of Gandhiji and throwing of the bomb was an attempt. Mr. Desai thought that it would be a further vala to get into touch with Rana who was in Delhi because he would have got much more information.

18.73 On January 21, 1948, after Professor Jain had given information to Mr. Morarji Desai, he conveyed it to Mr. Nagarvala, Deputy Commissioner of Police, Bombay, though not immediately, because Nagarvala could not come at that time, but he did so by the Central Railway Station, from where Mr. Desai was leaving for Ahmedabad, because Sardar Patel was to lay the foundation stone of a building and Mr. Morarji Desai was anxious to convey the information he received from Jain to Sardar. This the High Court of East Punjab has characterised as 'commendable promptitude'. According to statement of Mr. Desai, Jain told him that Madanlal had disclosed that he and his companions were going to Delhi to throw a bomb and Jain gave only three names—Madanlal, Karkare and Savarkar, but he did not tell Mr. Desai that he had conveyed the information to Mr. Jayaprakash Narayan or to Mr. Ashoka Mehta or to Mr. Harris. Nor did Jain disclose the fact that Madanlal had disclosed to him the places where arms were kept or that they were guarded by a person who looked like a Sikh.

18.74 The witness was making enquiries from Mr. Nagarvala about the progress of the case. He did not ask him about a very minute detail, but only to find out how the matter was progressing. He did what he thought best under the circumstances.

18.75 Mr. Desai has deposed that the theory of kidnapping was never mentioned to him by Mr. Nagarvala nor was it discernible from anything said or disclosed by Prof. Jain but when his attention was drawn to the portion of the statement of Mr. Nagarvala which relates to the kidnapping theory, Mr. Desai said "but that would not impair the value of investigation which was being carried out under my instructions" but he added when asked by the Commission that he would not have accepted the kidnapping theory.

18.76 When asked whether in the list of persons whom Nagarvala proposed to arrest, the names of Nathuram Godse and Apte were mentioned, his reply was that they were not included in the list and had not even transpired at that stage. Towards the end of his statement and in reply to Mr. Lal, Mr. Desai said that they including Nagarvala were all working on the theory that the throwing of the

bomb was an attempt on the life of Mahatma Gandhi and that there would be a further attempt. That shows that the conspiracy was to murder and not to kidnap unless kidnapping was to be a prelude to killing.

18.77 Reference may here be made to the statement made by Mr. Desai in the Bombay Legislative Assembly on a cut motion on March 12, 1949. There Mr. Desai gave the story of how Prof. Jain went to Mr. Kher on January 21, 1948, and what he told Mr. Jain after he had a talk with him alone. Jain had not mentioned the name of Mr. Jayaprakash Narayan or of any other person because Jain was kept secret by Mr. Desai at Jain's own might endanger his life afraid that the disclosure of his name because he was not prepared and Mr. Desai agreed not to divulge the life of Prof. Jain. He added to take the odium of divulging the information to Sardar Patel but that he had not only told Mahatma Gandhi himself that his life was in real also informed Mr. Desai to be more careful but the Mahatma was danger and implore any search being made of all persons coming to the prayer meetings. He added that there were lots of police attend plain clothes at the prayer meeting ground which was evident from the fact that Nathuram Godse was arrested by a policeman in plain clothes.

18.78 He further said in his speech that he had told the police officer to take action against everybody against whom there was any suspicion. The significant statement of Mr. Desai in connection with his taking part in the investigation was this—

“I know all that because I was inquiring of the police officer constantly as to what was being done not only before the incident, but even afterwards when the offence was being investigated, because I wanted to give him the benefit, if any, of my views and knowledge”.

From this one may conclude that—

- (1) The information which Mr. Desai was given by Professor Jain was conveyed to Mr. Nagarvala at the Central Railway Station, Bombay, from where Mr. Desai was to leave for Ahmedabad.
- (2) That he was enquiring from Mr. Nagarvala about the progress of the case but he did not ask about the minute details and rightly so.
- (3) The theory of kidnapping was never mentioned to him but it appears that Nagarvala did mention to him that he was waiting to make arrests simultaneously. But even at that stage neither the name of Godse nor of Apte had transpired.
- (4) It does not appear that Nagarvala had a copy of the list, Ex. 114 or 114-A, giving the names of the leaders of the Hindu Mahasabha and R.S.S. nor is there any indication that Mr. Nagarvala was aware that a list of Hindu Mahasabha and R.S.S. workers had been compiled which was

with the Government of Bombay and from which association of Karkare with other co-accused could have been deduced.

- (5) Although Mr. Desai was not told of the kidnapping theory yet working on that theory would not have impaired the value of the investigation which was being carried out “under my instructions”. So Mr. Desai has taken upon himself a direct responsibility of directing the investigation, which could not have been effective if Nagarvala saw him only 2 or 3 times during the whole investigation of the bomb case, i.e. 10 days.
- (6) In his speech before the Legislative Assembly, Mr. Desai has again claimed that he was making enquiries from the police officers as to what was being done in regard to the investigation because he wanted to give them the benefit of his views and knowledge. Thus, he has claimed directions by a minister in regard to investigation by the police which might ordinarily be a very dangerous thing because besides its likelihood of being a fetter on the investigational activities of trained police investigators, it may be used as an engine of oppression against political opponents by a particular party in power. The question whether the ministers have any right or it is proper for them even otherwise to give directions in regard to investigation has been discussed elsewhere but at this stage it will suffice to say that the practice of special interest by ministers in investigation by police can become dangerous and even oppressive because of the danger of the police becoming overzealous and showing unsavoury keenness to produce results.

Mr. Dehejia, Wit. 84—

18.79 An other important witness as to the events preceding the throwing of the bomb and the murder of Mahatma Gandhi is Mr. V. T. Dehejia, I.C.S. (Retired)—witness No. 84. At the relevant time, i.e., from about August 1947 to sometime after the murder, he was the Home Secretary in the Home Department of Bombay Province. With most of the governmental activity concerning what was happening in Poona and Ahmednagar and in Bombay itself he was intimately associated and he was fully aware of what was happening in different parts of the Province of Bombay, and his notes in the Secretariat files show that he took an intelligent interest in those matters and are indicative of his vigilance and grasp of affairs. Three different circulars based on three different notings in the Bombay Secretariat were issued. These were exhibits 179 for precautions against observance of anti-Pakistan Day; Ex. 174 against violent activities of certain parties and to check them. Ex. 175 warning against the bringing in of Sikh refugees in Maharashtra areas to spread anti-Muslim feelings.

18.80 Under the directions of the Premier, Mr. Kher, and subsequent discussions with the Home Minister and the Secretariat officials, a direction was sent to the Provincial CID and the Commissioner of Police to compile a list of officers of the Hindu Mahasabha and the R.S.S. The list prepared for Poona was Ex. 114 and

for Ahmednagar Ex. 114-A which were sent to Government from Poona. By a letter to Mr. Dehejia, Ex. 113-A, dated August 19, 1947, Mr. Rana, DIG, CID, Poona said that arrangements had been made to keep a watch on the activities of the R.S.S. and the Hindu Mahasabha and periodical reports would be sent. It seems that later Mr. Rana suggested that as secret weekly reports were being sent, it was perhaps not necessary to send special reports which had been ordered; on which Mr. Dehejia wrote that they were necessary. The matter was put before a meeting of the Cabinet and it was decided to discontinue the periodical reports on these two organisations and Mr. Rana was informed accordingly.

18.81 Mr. Dehejia was examined on all these matters in detail. In regard to the special reports, he has stated that as there was apprehension of violence which was indicated by rabid speeches made on the anti-Pakistan observance day and also as there was apprehension that there might be trouble on the 15th August 1947 (Independence Day), the witness thought the continuance of special reports on these organisation to be necessary in spite of what Mr. Rana had suggested. He wrote this because considering the background of the orders passed and of his knowledge of what was happening in the province, special reports were in his opinion necessary. And when the Cabinet passed a different order he naturally carried it out. He was asked whether he pointed out to the Ministers that their order was contrary to his advice, he replied that he had already given his advice and that it was for the Ministers to take any decision.

18.82 When asked why special reports were necessary, his reply was that there was a report of the proposed observance of the anti-Pakistan Day and in order to check the trouble on that day the special reports were necessary but evidently the danger had passed and therefore the authorities thought that the special reports were no longer necessary.

18.83 The Commission then examined him in regard to the statement of Mr. G. V. Ketkar about the hostile sentiments allegedly rife in Poona against Mahatma Gandhi, he replied that these sentiments appeared or came in waves. After the Partition they were directed against the Congress and Mahatma Gandhi and again when he undertook the fast, similar sentiments were against him. But in between the period there was a lull and there was little evidence of such sentiments. They (the hostile sentiments) revived among the Hindu Mahasabha group in greater intensity after the fast was undertaken.

18.84 When asked about the Poona papers creating an atmosphere of violence the witness's reply was that the writings in the Press were against Muslims which incited the Hindus against them. One of the papers was the *Hindu Rashtra* against which the Government had to take action, but he could not recollect whether this paper was anti-Gandhi but they (the Poona papers) were anti-Congress and anti-Muslim. Mr. Dehejia had no recollection of any speech made by Dr. Parchure in December 1947 that Nehru and Gandhi would reap fruits of their sins in a short time. The Government was prepared for trouble from the Hindu Mahasabha but not that there would be

18.85 In regard to the special reports, Mr. Morarji Desai, witness No. 96, has stated that although the Secretary, Mr. Dehejia, said that they were necessary, the Cabinet considered the matter and came to a different conclusion and that Dehejia must have given his opinion because the original order had come from the Premier and himself (Mr. Morarji Desai). This was not the view of Mr. Dehejia whose advice was that the reports were necessary because of the peculiar conditions prevailing in the Province. He did not base his opinion on what the ministers had done or had not done.

18.86 Mr. Dehejia also stated that the feelings against Mahatma Gandhi which manifested themselves in violent speeches etc. were not directed against him personally but against what was regarded as his pro-Muslim policies. The people who expressed these feelings were the members of the R.S.S. and the Hindu Mahasabha, but they formed a small section of the community in Bombay Province and were confined to what was called Maharashtrian part i.e. in Poona and roundabout. Some of the newspapers were criticising Mahatma Gandhi for his pro-Muslim policies but the witness was not prepared to call them rabid. Although these newspapers were criticising the pro-Muslim policies of the Mahatma they did not preach violence against the person of the Mahatma or against any other Congress leader. Action was taken against all those newspapers which were carrying on communal propaganda. He then said in answer to a question by Counsel for the Maharashtra Government that the notices for demand of securities were withdrawn from the newspapers on the occasion of the Independence Day.

18.87 When his attention was drawn to the statement of Mr. G. V. Ketkar about the hostile sentiments being expressed in Poona against Mahatma Gandhi and the atmosphere inducing violence he said that in the second half of 1947, information was frequently coming, that there would be serious Hindu-Muslim riots but there was no information reaching the Government that there was any threat of murdering any Congress leader or senior administrative officer but when his attention was drawn to Dr. Parchure's speech about "Nehru and Gandhi reaping fruits of their sins in short time" he said that if he had learnt about it he would have been put on guard but he would not have concluded therefrom that Gandhiji and Nehru were going to be murdered but he would not let the speech pass without any further inquiry.

18.87-A As a matter of fact the District Magistrate was asked by Government about this speech of Dr. Parchure but his reply based on the report of the D.S.P. was that the report of the speech was based on the police reporters memory as the speech was in Hindi and there were no police Hindi shorthand reporters. That might perhaps be the reason for the immobility of the police or the quiescence of the Bombay authorities but the sentence is so telling that the police reporter would not have put in unless some such words were said. Commission of course presumes that the reporter knew Hindi and did not have a mind which could imagine or make up things.

18.88 Mr. Dehejia's attention was drawn to the weekly letter in which the speech was mentioned and other documents following thereupon (Ex. 131-A); his reply was that he would not be able to recollect as to what happened on the reports received from the D.I.G., C.I.D. In reply to a question by Commission the witness stated that if they wanted to take any action against Dr. Parchure they would not have been able to do so because Gwalior was still an Indian State. The witness added that from that speech alone he would not be put on guard as to an apprehension of murdering Mahatma Gandni or Jawahar Lal Nehru. The Commission has a different view of the meaning of these words, which if they were uttered, could not be treated as anything but dangerous and the extra territoriality of the Indian Penal Code could not be thwarted by Dr. Parchure being in Gwalior.

18.89 The second point on which the statement of this witness is important is the relations between India and Hyderabad which were deteriorating and that some time in June 1947, an order was passed for withdrawing the prosecution under the Explosives Substances Act against Khanolkar brothers. There is also other evidence to show that arms were being collected by certain Hindus even before the end of 1947 as a precaution against the Razakar depredations. The Commission cannot overlook the fact that that was an important factor in the policy of the Government regarding the possession of explosive substances by individuals and the action which the Government would have otherwise taken against them. Evidence of some such cases in Ahmednagar and some in Poona has been brought before the Commission to show that people were agitating against the Razakars and the D.S.P. of Ahmednagar, particularly, was frequently away to the Hyderabad-Ahmednagar border in order to stem the Razakar trouble.

18.90 The Government must have been on the horns of a dilemma because there was a general atmosphere of hostility against the Congress leaders including Mahatma Gandhi, bombs were being thrown in Ahmednagar, particularly. There was a similar throwing of a bomb in Poona. But this evidence regarding the former tends to the activity being directed against the Moslems. The evidence in regard to the throwing of the bomb at Poona was a confessional statement by the man who was suspected of throwing the bomb but there was no indication of how diligently the police conducted its investigations into that case. If the D.S.P.'s evidence is any guide there was no intelligent investigation. Although a man like Apte was named by the principal suspect nothing was or could be done and the Commission can well see that these incidence would have gone unnoticed in view of the Razakar movement, had the great tragedy of murdering the Mahatma not happened. Besides this factor there was some communication from Civil Administrator, Hyderabad, saying that they were anxious that the cases of possession of explosives should not be proceeded against in what was British India.

18.91 When the witness was asked by Counsel for Maharashtra as to what his source of information was regarding the activities of the Hindu-Mahasabha and the R.S.S. being directed against the

Muslims and not against the Congress or Congress leaders, the witness stated that his source of information was the weekly letters from the District Magistrates and from the Commissioner of Police the D.I.G., C.I.D., Poona. The witness himself used to read the English, Marathi and Gujarati papers and also got translations from the Oriental Translator and he also got the information from the persons who visited him, which is the usual source of information of these high officials.

18.92 Although the noting of Secretariat files of this witness has shown a clear grasp of the problems which arose at different times indicating a vigilant mind the Commission is unable to accept some of the statements of this witness particularly that there was no atmosphere of violence discernible from the newspapers and from the speeches made by various people in Poona. The evidence of Messrs Ketkar, Khadilkar and the late Mr. N. V. Gadgil and the documents which have been produced shows not only a general atmosphere of violence but a particular slant directed against the Congress leaders including Mahatma Gandhi. The intensity of feelings against Mahatma Gandhi was the consequence of what was considered to be the appeasing of Muslims at the cost of the Hindus, of which the Partition, the post prayer speeches of Gandhiji and the giving away of Rs. 55 crores were outward manifestations. On a matter like this the people, who are non-officials, who move in non-official circles and are generally in touch with the general state of affairs of a town and sentiments of the citizen have a better knowledge than the officials, even though they happen to be clever, vigilant and wide-awake. This is particularly so in the case of non-official gentlemen who take a prominent part in politics whatever colour of the spectrum it may assume.

Mr. Kanji Dwarkadas, Wit. 7—

18.93 Mr. Kanji Dwarkadas witness No. 7 is a Labour leader, a follower of Mrs. Besant and a Socialist. He deposed that two days before the murder Mr. B. G. Kher went to Mahatma Gandhi and told him that Poona Brahmins were committed to murder him and as it was his silence day, Mahatma Gandhi wrote on a piece of paper, "If I have to die, I shall die. I do not want any police protection". Mr. Kher also told the witness that Nathuram Godse was running a rabid Hindu Mahasabha paper and that he knew that these people were after Gandhiji and that the Delhi C.I.D. did not take the Bombay Police into confidence, otherwise they would have immediately come to know about Nathuram Godse. He had also said that from the recovery of a shirt in the Marina Hotel which had dhobi mark "Nathuram Godse" the police should have been able to trace him.

18.94 The Communist paper 'People's Age' had been saying since August 1947 that the Mahatma was going to be murdered, that the Delhi Police was infiltrated with R.S.S. people and that the Deputy Commissioner of Delhi was behind the movement and they were not keen on protecting the life of the Mahatma.

18.95 He further deposed that a doctor friend of his, Dr. X in Alwar State, went to Mahatma Gandhi in the middle of December

1947 and told him that Alwar and Bharatpur States were in the conspiracy. Acharaya Jugal Kishore had also warned Gandhiji about it. The doctor above mentioned had sent a leaflet to Acharaya Jugal Kishore that Gandhiji must be murdered and the Acharaya wrote back to the doctor that he would place the leaflet before Gandhiji and Panditji.

18.96 Mr. Kher was perturbed and unnerved after the murder of Mahatma Gandhi but he did not blame himself. He blamed the Delhi Police.

18.97 Although the U.P. Government had inquired into the R.S.S. and its violent activities some time in 1947, no action was taken against them. His complaint was that Nathuram Godse was not shadowed and he was allowed to go from one place to another.

18.98 Previous to the murder he did not know that the life of Mahatma was in danger. He placed before the Commission a document, his confidential note entitled, "India January-February 1948—The dismal story".

18.99 In cross-examination he said that he was very friendly with Mr. Morarji Desai. Dr. Sushila Nayar was asked if she was the doctor but she said that she was not and Acharaya Jugal Kishore has also denied by an affidavit dated 11th May, 1967 of having received any such leaflet from the doctor or any knowledge about it.

18.100 Mr. Purshottam Trikamdas, Barrister-at-Law, witness No. 15, stated that the last time he met Gandhiji was when he went to see him at Delhi in the beginning of January 1948 when he had just started his fast. There is some confusion about the dates. He had gone there to inform him about the decision of the Socialists to leave the Congress, but Gandhiji told him to wait till after the fast. He also said "Who knows I might come and join your party and lead it". He then said "Sardar calls himself my *Chela*, Jawaharlal calls himself my *Beta* but both of them seem to think that I am crazy and nobody listens to me: MERI KOI SUNTA NAHIN HAI. He was in a very depressed mood."

18.101 After he returned to Bombay from Delhi a well-dressed man aged about 50 or 55 whom he did not know came to see him and told him that Gandhiji's life was in danger and that he knew something about it. He was closely connected with Gokalnathji Maharaj. He also said that arms were being procured. Mr. Purshottam then promptly took him to Mr. B. G. Kher who was a friend of his and the man repeated the story to him. Thereafter Mr. Morarji Desai was called by Mr. Kher and Mr. Kher briefly narrated the facts to Mr. Morarji. Mr. Morarji then took the man to his own chamber and Mr. Purshottam then left. Mr. Kher did not ask him as to who was going to assassinate Gandhiji. As a matter of fact Mr. Purshottam himself had asked the man but he refused to disclose the names. Later on when Mr. Purshottam met Mr. Kher the latter told him that Mr. Morarji Desai thought that "the man was dotty." Mr. Purshottam did not go to the Commissioner of Police because he was not sure whether he would have done anything or not

and in his opinion it was better to go to the Chief Minister and Home Minister who could get inquiries made and collect information. He also gave information to Mr. C. K. Daphtary who was leading for the Prosecution in the Gandhi Murder case, and offered to give evidence. At that time the name of his informant was fresh and he would have been able to give it but he was never called as a witness.

18.102 The evidence of this witness shows that even people of his position were reluctant to go to the police.

Jayaprakash Narayan, wit. 98—

18.102A Mr. Jayaprakash Narayan, witness No. 98, stated that he had no recollection of sending a man to Mr. Purshottam with the information regarding danger to the life of Mahatma Gandhi. He could not have sent a man because he did not take the information regarding danger to the life of Mahatma Gandhi seriously. To quote him—

"I have no recollection if I had sent a man to him. If I had sent that man to him that would mean that I had taken the information seriously, which I did not. That may be wrong on my part but this is exactly what happened and I am stating so."

18.102B He added, "At that time, it must have appeared very incredible to anyone to whom this information was given."

18.102C He also did not speak to Gandhiji about this information nor to Sardar Patel. He had a great deal of respect for Sardar Patel although they did not see eye to eye on political matters. He (Mr. Narayan) did blame the police for not being vigilant. He was surprised that any Indian could have committed the murder of Mahatma Gandhi. It made no difference as to where he came from. He was not aware that there was a party of militant people who would commit violence against the person of Mahatma Gandhi. There was a strong antagonism between the group of Tilakites and Gandhites, the Kesari group and the Savarkarites but that was all on the political level. He could not imagine that anyone would commit murder of Mahatma Gandhi whatever be the differences.

Mr. J. D. Nagarvala's statement

18.103 As the conduct of Mr. J. D. Nagarvala, the then Deputy Commissioner of Police, Bombay, has come in for serious criticism at the hands of counsel, the Commission thinks it necessary to set out the salient points of his statement which are relevant to the course of the investigation or inquiry which he conducted after the information given by Professor Jain had been relayed to him by Mr. Morarji Desai. The evidence of Mr. Nagarvala comes to this.

18.104 There was communal tension due to influx of refugees into Bombay. Arms and ammunition were left by the British with certain communities and transmitters left by the Royal Air Force were being used for transmission of news to Pakistan.

18.105 The Hindu Mahasabha believed in political assassination as a means of achieving political ends but there was no talk of assassination at the time. The City Police did know of Savarkar and his previous history and there was a dossier of his with the police. But his group was not operating in Bombay City and Savarkar himself was not watched because being a political leader of all India position, it required the orders of the Government to put him under watch.

18.106 Before the bomb was thrown at Birla House, there was no political activity in the City of Bombay from which it could reasonably be deduced that any particular person or set of persons were likely indulgents in political violence.

18.107 The Bombay City Police had not heard of Madanlal or of Godse or Apte before the bomb was thrown, and the Bombay City Police could not have started any investigation from mere Press reports unless it was therein given that Madanlal had migrated to some locality in the City of Bombay. On the 21st January there was no communication from Delhi about the Bomb incident. Normally, the practice was that if any information had to be sent by the police of one Province to that of another, it would communicate with the Inspector General of Police or the D.I.G. or the D.S.P. direct, and in the case of the Bombay City with the Commissioner or the Deputy Commissioner of Police.

What Mr. Desai told Nagarvala—

18.108 Officially Mr. Nagarvala got information about the bomb on January 21 when the Home Minister called him and told him of the information which Professor Jain had given him without disclosing to him the name of Professor Jain. He was asked what information was given to him by Mr. Morarji Desai.

“Q. Did he tell you anything?”

Ans. Yes, he did. He told me that the man Madanlal who had exploded the bomb in Delhi prayer meeting of Mahatma Gandhi was companion of one Karkare from Ahmednagar and I should try and arrest Karkare.”

Mr. Desai also suggested to him that he might keep a watch on Barrister Savarkar's house. Whatever Mr. Morarji Desai told him was correctly recorded by him in his Crime Report No. 1 as follows:—

“I was told by the H. M. that he had received definite information that the attempt on the life of Mahatmaji on 20-1-48 at the prayer meeting at Birla House, Delhi, was made by one Madanlal along with his associates, Karkare and others. He also told me that Karkare and Madanlal had seen Savarkar immediately before their departure to Delhi to attempt on the life of Mahatmaji. He also ordered me to apprehend and arrest this man named Karkare who hailed from Ahmednagar and whose arrest he had already ordered in connection with other incidents of anti-Muslim nature at Ahmednagar. He also ordered me to inquire and apprehend the associates of Madanlal and Karkare.”

18.109 Mr. Nagarvala also stated that he had kept a note about the information by Mr. Desai but he did not take down a First Information Report as he was not making an investigation. He said—

“I was not an investigating officer. They were orders given to me by the Government on the basis of which I started my inquiries.”

He had those papers upto the time the judgment was given because soon after he had to give an explanation to Government. Professor Jain's name was not given by Mr. Desai nor did Mr. Nagarvala ask the Home Minister as to who his informant was. Further he was told by the Home Minister that the throwing of the bomb was an attempt on the life of Mahatma Gandhi by Madanlal, Karkare and their associates and he wanted him to find out who the other associates were and to apprehend them.

18.110 *Steps taken by Nagarvala*—When asked as to what steps he took after getting the information from the Home Minister at the railway station, Mr. Nagarvala replied:—

“I called back my officers from their houses and the very night we started setting out watches and lookouts and trailing suspected persons specially those amongst the refugees and others who were agitating at that time. We also placed a watch on Savarkar Sadan at Dadar. One of the persons named was Karkare. According to the information that we had there were others also who were agitating and who were known to be persons who could take to violence. Next day I tried to contact D.S.P., Ahmednagar but he was not there. I contacted my brother who was an Honorary Magistrate in Ahmednagar and was President of the Municipal Committee, to find out and let me know if Karkare was in Ahmednagar. I did not know Karkare but my brother would know him. On the 22nd or 23rd he rang back and said that Karkare was not in Ahmednagar. It may be that I rang him up on 21st evening or 22nd morning. It was most probably the 22nd morning.”

“Later on I did not ask the D.S.P. about Karkare. This was because Mr. Morarji Desai had told me that he had ordered his arrest already.”

18.111 In regard to the arrest of Karkare, he said that he tried to get in touch with D.S.P., Ahmednagar but he was away. Then he spoke to his (Nagarvala's) brother. Karkare was not in Ahmednagar but his information located Karkare's brother who was working in one of the Bombay mills as a technician and then his house was kept under watch but Karkare never came to the house.

18.112 Savarkar's house was kept under watch because the Home Minister had told Nagarvala that Karkare etc. had seen Savarkar before leaving for Delhi and they knew that Savarkar believed in the cult of violence. He was asked if he would be murderers had visited Savarkar's house before they went to Delhi to commit the offence. His reply was that they had not. The reference here seems to be when Godse and Apte went a second time.

18.113 *Information from Delhi Police*—Mr. Nagarvala's account of what the Delhi Police wanted was this: Before the 22nd January he had no information from the Delhi Police.

"Q. When did you get the information about the bomb incident from the Delhi Police?

A. I got the information through the two Delhi Police officers—one was Dy. S. P. Jaswant Singh and the other was Inspector Balkrishan".

The Delhi Police officers came to see him at about 10. They told him that they had come to Bombay to arrest one "Kirkeree" and that they were staying at Avtar Singh's Shere-Punjab Hotel at Frere Road. Nagarvala told them that whatever help they needed they would get. They did not bring any letter or communication from their senior officers. All they had with them was a small slip of paper on which one or two words were written in Urdu. He was emphatic that they had no other document of any kind with them.

18.114 When the case diary No. 3-A, Ex. 3, was read out to Mr. Nagarvala and also the statement therein that he (Nagarvala) had telephonic communication with authorities in Delhi, his reply was that he had no such conversation nor did he have any conversation with the police officers of the kind recorded in 3-A. The particular attention of Mr. Nagarvala was drawn to paragraph 3 of case diary No. 3-A and he stated that it was not correct that full facts were given to him nor was he ever shown Ex. 5-A which he said he was seeing for the first time before the Commission. When asked if what was stated in paragraph 4 was a fake, his reply was:—

"As far as I am concerned, yes".

18.115 He did not tell the police officers to stay with Inspector Kargaonkar but he advised the Delhi Police officers not to stay at Avtar Singh's Hotel as that would make the whole investigation fruitless. Kargaonkar was in the office and he offered to keep these officers with him as his family was away and he also offered the use of Government station wagon allowed to his Branch. He said—

"At this stage we were not aware of the connection of the editor of Agrani or Hindu Rashtira and Inspector Kargaonkar could not have talked to them about this".

18.116 Mr. Nagarvala was not told who had sent those police officers to Bombay. All he knew was that they had come to arrest Karkare and belonged to the Delhi Police. He again repeated that they brought no communication, no letter and no document. All they wanted was to arrest Karkare. It may be remarked that if Delhi Police had given the information which they said they gave him, there is no reason why he should not have made use of it.

18.117 Mr. Nagarvala was questioned as to whether he asked them about any statement made by Madanlal, his reply was—

"No, I did not ask them but during the course of conversation I gathered that they had no knowledge of what Madanlal had said or done."

He did not ask them anything about the antecedents of Madanlal because the Home Minister had told him that he and Karkare were together and the Bombay Police was already looking for Karkare. Mr. Nagarvala repeated "that the officers could not have told me anything more because they knew nothing more".

18.118 When asked if he had got the Delhi Police diaries translated into English, he said that he did get them translated and he went through the English translation of the case diaries of the bomb case. When his attention was drawn to paragraph 15 of case diary No. 1 and that Deputy Superintendent Jaswant Singh and Inspector Bal Kishan were present when the statement of Madanlal was made and therefore they must have known what statement he made, his reply was that that may or may not be so. All the information they gave him about Karkare was that they had come to arrest him. He did not ring up Delhi to find out what the officers had been sent for as it was not for him to do so. The investigation was by Delhi Police. It was for them to ask for help. Assuming that in a strictly legal sense this position is correct, yet because the matter concerned the safety of a person like Mahatma Gandhi, one should have expected more inquisitiveness to get out all what those Delhi officers knew. A bland legalistic approach at that stage was no credit to the Bombay "Inquiry". And if the Delhi Police officers could give him no information, a long distance call to Rana or to the New Delhi Superintendent of Police could have been helpful.

18.119 No one had asked him about Delhi Police officers' complaint regarding treatment meted out to them.

18.120 *Knowledge of Madanlal's statement*—He came to know about Madanlal's statement after the murder. Mr. Rana did not tell him what statement Madanlal had made but he told Mr. Rana what he had done upto then in the way of investigation.

18.121 He came to know that the conspirators were from Poona only during the investigation and not before. The Home Minister had told him that Karkare and his associates wanted to murder Mahatma Gandhi. Strictly in its legal sense, he did not know about the conspiracy but he came to know about it during the investigation of the murder case. All that they knew before the murder was that Karkare and his associates were likely to murder Mahatma Gandhi.

"Q. Were these associates according to your information Maharashtrians or refugees from Pakistan?

A. The information that we had in this connection was as recorded in my case diary and my reply to Government which would show that predominant suspicion of the Bombay City Police was on people who had migrated to Bombay and who might be classed as refugees."

He did not learn from Ahmednagar about the associates of Karkare. His information was that Karkare was not in Ahmednagar during the last few days. He did not know that Madanlal had migrated to Ahmednagar or had been living there. All he knew was that Karkare belonged to Ahmednagar. But this is not in absolute accord

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with the first Crime Report. He further said that he did not think it necessary to find out from Ahmednagar Police about the associates of Karkare. That, in the opinion of the Commission, was an erroneous approach.

18.122 It was only after the murder that he came to know that amongst the associates of Karkare were Poona people like Godse, Apte and Badge. About Badge he knew that he was a trafficker in arms but he did not connect him as an associate of Karkare or Madanlal. He said that he must have ordered a watch to be kept at the railway stations which would also include the airport.

18.123 It is difficult for the Commission to find on the evidence as to what watch was kept at the Air or Railway terminals but if any watch was kept it must have been most ineffective because Karkare, Apte and Godse used both rail and air without any detection during the period 23rd January 1948 to 27th January 1948. The watch could not but be futile as no one seemed to know these people as the statement of Mr. Rana shows.

18.124 On his return from Delhi on the 27th January, Mr. Rana stayed with Mr. Nagarvala and the latter explained to him what he had already done, and they decided to let the D.I.B. know about it. In the presence of Mr. Rana, Mr. Nagarvala told the D.I.B. on the telephone as to what he had done.

18.125 Nagarvala did not ask Mr. Rana as to the contents of the statement of Madanlal because Mr. Rana appeared to be satisfied with what he (Nagarvala) had already done. This is rather a peculiar statement because Mr. Nagarvala was working out the information given by Professor Jain which had been conveyed to him by Mr. Morarji Desai and Madanlal's statement at Delhi would have been helpful in working out the information. Mr. Rana had brought a valuable piece of information from one of the co-conspirators and the Commission has been unable to find any reason why the contents of Madanlal's statement were not given by Mr. Rana to Mr. Nagarvala and why the latter did not ask Mr. Rana as to what the statement contained, particularly when Mr. Nagarvala later stated that he would have liked Madanlal to be brought to Bombay.

18.126 According to the statement of Mr. Nagarvala, Badge could not be considered a member of the Savarkar group because he was trafficking in arms and Mr. Nagarvala was looking for him not as a conspirator but as a trafficker in arms. Nothing may at this stage turn on what category Mr. Nagarvala put Badge in. But whatever he was, if it was necessary to find out about Badge or to arrest him, the proper course should have been to make inquiries about him from Poona unless there were such contacts in Bombay itself who could give all the information which the Poona Police possessed about him. The Commission has evidence of Poona witnesses that Badge was a supplier of arms, and there was connection between Badge and Apte shown by an entry in an account book of Rs. 2000 having been given for the purchase of arms and that Badge and Karkare were friends. It may be that it might not have been a wise thing to arrest Badge

at that stage of which the sole judge was Mr. Nagarvala. But to make full inquiries about him could have been helpful in a successful conclusion of the task set by Mr. Morarji Desai to Mr. Nagarvala. It may be added that Mr. Nagarvala has stated that he was looking for Badge to find out a source of supply of arms.

18.127 *Kidnapping theory*—Mr. Nagarvala was asked as to whether the information with the Bombay Police was that there was no conspiracy to murder Mahatma Gandhi. His reply was "What we learnt from our contacts and enquiries was that there was a plan to kidnap Mahatma Gandhi but what the Home Minister told us was that there was a definite plan to assassinate Mahatma Gandhi." Whatever he wrote in his letter, Ex.8, was correct Mr. Nagarvala went on to say that there were about 400 persons in this gang whose objective was the sending away of Muslims from India, so at that time the information was one of kidnapping of Mahatma Gandhi and not of murder. Mr. Nagarvala added "I would like to add that this was just information that I had got and it had yet to be verified."

18.128 He was asked why he persisted in his theory of conspiracy of kidnapping and not of murder. His reply was that that was not his theory but that is what he learnt during the course of investigation and he was having interviews with the Home Minister and was keeping him informed of what the enquiries had led him to. He added "What I mean to say is that I was working on the information given to me by the Home Minister and at the same time telling the Home Minister the result of my enquiries."

18.129 He was further asked whether this statement did not make it clear that the attempt was to murder the Mahatma and not to kidnap. His reply was that the Minister had already told him about the attempt to murder the Mahatma but the inquiries made by him led to a plot of kidnapping. If the statement of the 20th had been shown to him he would have taken it as further corroboration of the Home Minister's information and he would have asked his officers to continue their inquiries not on the basis of kidnapping alone but also on the basis of attempt to murder Mahatma Gandhi.

18.129A He emphasised that he had not seen Ex. 5A before. He was asked whether the reading of Ex. 5A would not have disclosed to him the class of persons who were in the conspiracy though not their identity. His reply was that it was possible to get a clue as to who those persons were. More so, from the reference to Karkare as proprietor of the Deccan Guest House and member of the R.S.S. Mr. Nagarvala tried to clarify the matter in regard to conspiracy to murder or the conspiracy to kidnapping Mahatma Gandhi. He said—

"On 21st January 1948, the information that was given to me by the Home Minister, Bombay, is recorded in Crime Report No. 1 dated 30-1-1948 contained in a document called file of crime reports which is marked Ex.185 by which number the whole book will hereinafter be referred to. The first crime report dated 30-1-1948 contained in Ex.185 reads: 'Before the Home Minister talked to me all I had was

the report in the newspaper which I had read.' I started no activity or enquiry till I received instructions from the Home Minister. In other words, the information to me was attempt on the life of Mahatma Gandhi. What I recorded on that occasion was this: "I was told by the Home Minister that he had received definite information that the attempt on the life of Mahatmaji on 20-1-1948 on the prayer meeting at Birla House, Delhi, was made by Madanlal and his associates Karkare and others."

All that was conveyed to me by the Home Minister was that an attempt had been made on the life of Mahatma Gandhi on 20-1-1948 by Madanlal, Karkare and others. During the course of my enquiries what I learnt was that at no stage it was contemplated that we should go on with the theory of kidnapping and forget the original information. The information of kidnapping transpired during the course of enquiries in connection with the information furnished by the Home Minister. I did not ask the Home Minister as to who his informant was. I would not do so because if the Home Minister wanted to tell me the name of his source he would have done so. Whatever information his informant gave him, he passed on that to me. What the Home Minister conveyed to me was that Madanlal, Karkare and others got together and made an attempt on the life of Mahatma Gandhi. The stage at which the Home Minister gave me the information the question of conspiracy did not arise in the legal sense. If I were to register this case in the Tughlak Road Police Station as F.I.R., I would have put it under section 307, I.P.C. At this stage I would not have added section 120-B. The investigations or the enquiries which the police would be conducting would have been on the same lines whether or not section 120-B were added or invoked."

18.130 Mr. Nagarvala said that the Home Minister and the Commissioner were being kept informed from time to time of the information that he was working on and the lines on which the enquiries were developing.

18.131 Mr. Nagarvala was examined in regard to the kidnapping theory and he said that he did give credence to that theory and everybody seemed to have accepted it as a reliable theory, meaning the D.I.B., Commissioner of Police, Bombay, D.I.G., C.I.D., Poona and the Home Minister.

18.132 The Home Minister denied that he was told about the kidnapping theory which in his opinion was fantastic.

18.133 Mr. Nagarvala's reason why he did not ask the Provincial Police about Karkare and Badge was that the D.S.P. Ahmednagar was not available and that he had received information that Karkare was not at Ahmednagar and would be arrested if he came there. As regards Badge, he was not required as a conspirator but only as a person disposing of military arms and it was on that ground that he wanted to get Badge arrested.

18.134 The evidence before the Commission, however, shows that the Ahmednagar Police had a full record of Karkare's doings or misdoings in Ahmednagar, and had Mr. Nagarvala asked for this information, the District Police would have given him something valuable e.g. connection of Karkare with Apte which Sub-Inspector Balkundi furnished to the Deputy Superintendent Chaubal soon after the murder when this information was called for from him by the Poona C.I.D. Sub-Inspector Deshmukh, witness No. 32, has stated that all this information was with him.

18.135 Mr. Nagarvala got the full statement of Madanlal on February 5, 1948.

18.136 In reply to a question Mr. Nagarvala stated that when he examined him, Madanlal knew the name of Karkare, Apte, Godse which is at page 28 of his statement to Bombay Police. Names of Badge and Shankar were also given by him in the same statement at page 39 but it is not clear whether he knew the names earlier or he came to know those names later after he was brought to Bombay. He also knew the name of Savarkar. Nagarvala also said that if Madanlal had given the names of his co-conspirators earlier he would have arrested them.

18.137 He saw the first police case diary of the bomb case when it was translated in March, 1948.

18.138 *Jurisdiction to arrest*—As to the Jurisdiction of the Bombay City Police, Mr. Nagarvala said—

"Under our law in India it is open to a police officer of any place to arrest an accused suspected of having committed some crime even beyond the limits of his jurisdiction. All that is required is that if there is sufficient time it is advisable to get the help of the local police to have him arrested. And if the time does not permit the police officer does have the power to arrest him (the accused) from any part of the country and later inform the local police of the action taken by him."

18.139 *Bombay Police not investigating bomb case*—The Bombay Police, said Mr. Nagarvala, was not investigating the bomb case but it was making enquiries on information received from the Home Minister. The offence was committed in Delhi and the investigation was in the hands of Delhi Police. The Bombay Police had neither been asked by the Delhi Police to make any investigation nor did the Delhi Police come to do it. An investigating officer had to ask for help, and if that had been done in the bomb case, the Bombay Police would have given it willingly. It was not for the Bombay Police to interfere *suo motu* with the investigation of the Delhi Police and Mr. Sanjevi's note that Bombay Police had to do any investigation was not correct. Investigation was by the Delhi Police and the function of the Bombay Police was to assist them if and when asked. He further said that he was not under any duty to inform Mr. Kamte of the information given by the Home Minister but he did disclose to the Commissioner of Police the information given by the Home Minister on the 22nd in the Tea Room at tea which was the usual

practice where matters of that kind were discussed. When the attention of Mr. Nagarvala was drawn to Ex.8 where it was stated that the investigation was entrusted to him (Nagarvala), the reply was that the word had been loosely used. He also said that it was not correct that he told the police officers from Delhi that they were being sent back to Delhi under orders of the Home Minister. He said that there was no reason why he should have put the Delhi Police officers "in detention" as it were (*Nazar quaid*). As a matter of fact, a station wagon was placed at the disposal of the Delhi Police officers. They never told Mr. Nagarvala that they wanted to go to Poona to see Mr. Gurtu.

Mr. Nagarvala stated that both of the Delhi officers came into his office and they came only once on 22nd January.

18.140 The position taken by Mr. Nagarvala is not correct. On the facts of this case, Mr. Nagarvala was making an investigation which has been dealt with in the chapter dealing with Bombay Investigation. But assuming he was making an inquiry to work out the information, he was acting as a police detective whose duty it was to obtain intelligence concerning the commission or design to commit a cognizable offence. A part of the conspiracy was entered into in Bombay City and even if it was the commission of an offence outside Mr. Nagarvala as the head of the detective agency was performing a statutory duty otherwise it would be officiousness on his part and his order of arresting Badge on 24th would be wholly without jurisdiction.

18.141 Mr. Nagarvala was asked what he would have done if the editor and proprietor of the newspaper Agranī as associates of Madanlal had been mentioned to him. He said that he would immediately have sent a couple of his officers to Poona to contact C.I.D. Poona but their addresses were available to him from his own record, as he had a list of all the newspapers in the Province as well as of their editors and proprietors as also what the policy of the paper was. In the list, against Hindu Rashtra, it was given that it was a Savarkarite paper, anti-Congress and anti-Muslim, and intemperate.

18.142 Trunk call to Mr. Sanjevi must have been made by Mr. Nagarvala and Mr. Rana after 7 O'clock and both Rana and himself talked to Mr. Sanjevi. The more important part of the talk was that he told Mr. Sanjevi that the situation was serious and effective steps should be taken to protect the life of Mahatma Gandhi and he told Mr. Sanjevi that there was a gang whose objective was to kidnap Mahatma Gandhi. He gave this information to Mr. Rana also. Ex.8 dated 30th January, 1948, was a letter confirmatory of what he had talked on telephone with Mr. Sanjevi.

18.143 Mr. Sanjevi did not tell Nagarvala on the telephone about the complaint which the Delhi officers had made about their treatment; nor did he ever mention it to him when he met him in Delhi.

18.144 Mr. Nagarvala was asked if after the information about conspiracy to kidnap Mahatma Gandhi he abandoned his inquiries into the conspiracy to murder. His reply was "no". Asked if he was inquiring into both the stories simultaneously, he replied. "We pursued the theory of kidnapping leading us to the attempt on the life

of Mahatma Gandhi. It is not correct that I abandoned one theory and started on the other." He added that he was reporting to the Home Minister personally as to what he was doing in connection with the case and he reported to him from time to time. He would have done the same thing if the information had been given to him by a senior police officer. He kept the Home Minister informed of everything which he did from 21st to 30th and that the Home Minister was satisfied with what he was doing and he must have seen the Home Minister several times. The Home Minister also did not mention to him the editor of the Hindu Rashtra or the Agranī.

18.145 He was shown Ex. 84, the special report of the bomb case from the Superintendent of Police, New Delhi. He said that it bore his initials which showed that it must have been received on 3rd February, 1948 at 6.30 P.M. The endorsement also shows that it must have come to him direct. In that document also there was no mention of the Agranī.

18.146 Mr. Nagarvala's attention was drawn to the statement of Mr. Purshottam Trikamdas. He said that Mr. Morarji Desai or Mr. Kher did not give him any information in regard to his statement.

18.147 He said it was absurd to say that the Home Minister had directed him not to disclose the information given by Jain either to the Commissioner or to Mr. Kamte. He added that the Commissioner, Mr. Barucha, was fully aware of what he (Nagarvala) was doing. In regard to the complaint of Mr. Barucha about the watch at Savarkar's house, he said there was no evidence before him that any person who subsequently was prosecuted for conspiracy, visited Savarkar during the period 20th to 30th January, 1948. There was no such evidence at the trial. When his attention was drawn to the statement in Ex.9, about Godse and Apte visiting Savarkar on the eve of their departure, he said that that information must have come to him between the 30th and 31st January but this information could not be substantiated so as to be put before the court.

18.148 Delhi Police never informed him about the marking on the clothes, N.V.G. If it had been mentioned, he would have looked up at the laundry list and made inquiries.

18.149 Mr. Nagarvala was shown paragraph 15 of diary No. 1, the alleged first statement of Madanlal, and was asked if he agreed with that statement wherein the Hindu Rashtriya and Agranī newspapers were mentioned. He replied that he did not agree that physically it was possible to record all that statement by midnight and if this statement was correct then the Delhi Police would at once have found out who the editor mentioned therein was and it would not have been necessary for them or the police officers to come to Bombay and ask for Karkare. From subsequent investigation, he could say that this was not a correct record of what was known at that stage. When asked if he did anything after reading the translation of the Delhi Police case diaries, he said that the investigation at that time had reached an advanced stage and he was not interested in showing what was right and what was wrong in the Delhi Police diaries and there was no occasion for him to go into the matter because it would

have spoiled the case and would have created frictions between Delhi Police and the Bombay Police. He added that he had no *locus standi* to interfere in the investigation of an offence which had been committed in Delhi. When asked if a man belonging to Bombay were to commit an offence in Delhi and he was known to the Bombay Police, would they start any investigation *suo motu*, his reply was in the negative and had the Home Minister not called him and asked him to take action and make inquiries in the matter, he would not have moved in the matter.

18.150 Mr. Nagarvala's attention was drawn to the statement of Mr. Bannerjee that it was the duty of the Bombay Police to have sent their men to Delhi and it was the duty of Mr. Sanjevi to have called for them and that there was a convention to that effect. He replied that there was no such convention till November, 1963. The old convention was that it was for the police in whose jurisdiction an offence was committed, to bring the accused to various places mentioned by him for investigation with the help of the local police if necessary. That is also the statement of the present I.G.P. of Bombay.

18.151 When Mr. Nagarvala's attention was drawn to the noting in the Bombay Secretariat on his explanation, Ex.14, he replied that no further inquiries were made from him.

18.152 In answer to another question, he said that he did not go to Ahmednagar because he knew that Karkare was not there. He added that if Badge had been in Ahmednagar three days earlier, before the 30th January, he would have immediately sent his men to that place. Badge did not go to Delhi when the murder was committed but he was present when the bomb was thrown. Mr. Morarji Desai did not give any information about the editor of the Hindu Rashtra or the Agrani. For the first time he heard the name of Godse when B.B.C. gave this news at 7.30 P.M. (IST).

18.153 He was cross-examined by Mr. B. B. Lall. He could only tell about the movements of Badge from his confessional statement made after the murder. In regard to Badge, Nagarvala said that he was hiding in Poona jungles because that is the information the contacts had given him. When his attention was drawn to the statement of Badge that he was attending to his normal work in Poona and that he was staying in his house from 23rd to 31st January, Mr. Nagarvala replied that it would not be in the "case diary" that his contacts in Bombay had informed him that Badge was hiding in the jungles of Poona.

18.154 It was correct as given in the Crime Report that the source informed him that the bomb was a direct attempt on the life of Mahatma Gandhi at the instigation of Savarkar and that Savarkar was only pretending to be ill to cover his evil deeds and that is why they watched the house of Savarkar from 21st. His attention was drawn to the statement of Pradhan that he informed Nagarvala and included Badge's name in the list of suspects and that he was looking for Badge as well as Karkare but could locate neither. His answer was "If Pradhan says so it must be so." Pradhan may have told him that they should look for Badge but even then he would not have put Badge in the list of suspects in connection with the bomb incident.

Nagarvala added that a source had informed him that Badge, a close associate of Karkare who dealt in arms etc. was also in the conspiracy to take the life of Mahatma Gandhi and this he has mentioned in the Crime Report No. 1. He might have learnt it on the 21st January. It was correct that in the Crime Report, it was given that they were looking for Badge in Bombay from the 21st till 27th. He also said that at that stage, he was not investigating. The crime report was only prefatory. He again said that he was looking for Badge not as a suspect in the bomb case but as a supplier of arms and that when the source informed him that Badge was an associate of Karkare, he was trying to verify that information and he said that he did not know about the description of Badge. He had not ordered the arrest of Badge between the 21st and 27th but on seeing his statement in court, Mr. Nagarvala said that he must have ordered his arrest on the 24th January. As a result of his orders, after the assassination, Badge's house was one of the 15 houses that were searched and eight persons were arrested. On 24th he ordered the arrest of Badge as a supplier of arms.

18.155 The object of watching Savarkar's house was to see who were visiting him. He added that he did not detain Savarkar group before the murder because it would have caused not only commotion but upheaval in the Maharashtra Region.

18.156 After Mr. Morarji Desai's orders, when he started making inquiries, a lot of information was coming from numerous sources. In that context, Badge was being looked for. The names of Karkare and Badge appeared prominently in the first Crime Report. Karkare's connections were seen and they were looking for Badge. After 20th January, Badge had completely disappeared from the conspiracy. In view of all that, information about Badge had to be verified. Nagarvala said that he was treating Karkare as associate of Madanlal but there was nothing to show that Badge was also an associate. He was looking for Badge as a person dealing in illicit arms and a person who might tell "us" from where the gun cotton slab came. He added that the police was unable to trace his movements from the time he returned from Delhi till the time he was arrested.

18.157 He was cross-examined by Mr. Lall about Deulkar's coming to Bombay during the period 21st to 30th January. Nagarvala further said that there were contacts in Bombay who could give information about Ahmednagar.

18.158 Mr. Nagarvala said that he was put in charge of the murder case as the principal investigating officer. When Madanlal was brought he was interrogated by the Bombay Police. Nagarvala came to know about the name of Prof. Jain after the murder when he wanted to make a statement before the Police. Nagarvala denied that he had threatened to arrest Jain. He also examined Angad Singh. Neither Jain nor Angad Singh told him anything about informing Mr. Jayaprakash Narayan.

18.159 Mr. Nagarvala admitted that he wrote the letter, Ex.8 to Mr. Sanjevi and the Crime Report shows that he had apprised on telephone the D.I.B. at Delhi of the facts which he had learnt up to then and a confirmatory letter Ex. 8 was written thereafter.

18.160 When asked if the disclosing of the name of Prof. Jain to him earlier would have made any difference in the investigation, Mr. Nagarvala replied in the negative because whatever Jain knew he had told the Home Minister and that his subsequent interrogation showed that he knew nothing more and that information had been used before the murder.

18.161 When asked if Rana had discussed the statement of Madanlal with him, he replied that Madanlal's statement was given to him and hardly had he read one or two pages when Rana took it back from him. Rana knew what the Home Minister had told Nagarvala. He then said that they had booked a call to the D.I.B. and he informed him of what he had done in the city of Bombay and emphasised that every precaution should be taken for the protection of Mahatma Gandhi. That was also in the letter, Ex.8. He also told Rana that he was in touch with Ahmednagar and every effort was being made to locate Karkare. But the statement of Madanlal was not discussed after the telephone call nor before.

18.162 Mr. Nagarvala said that reading of the statement of Madanlal, Ex.1, would have made no difference as whatever had to be done in regard to it was to be done at Poona which was outside his jurisdiction. As far as he remembered, the statement which Mr. Rana brought was a typed copy on a slightly coloured paper, it was pinkish.

18.163 Nagarvala had asked for the identity of Karkare from Ahmednagar, i.e. particulars of the description. After the Minister had given him the information he instructed the Police to locate Karkare and his associates meaning persons who were with Karkare, but they did not know at the time as to who they were. After coming to know of the identity of Karkare it was his associates who had to be identified by persons in Poona and Ahmednagar. He corrected himself and said it should be Ahmednagar only.

18.164 The culprits, he said, were not residing in Bombay; they came to Thana and escaped from Santa Cruz by air but they were not identified by the Police there. Karkare, he said, had left by train from Kalyan in Thana district and that he (Nagarvala) himself was operating only within his jurisdiction.

NOTE—It may be mentioned that Karkare did not leave from Kalyan but took the train for Delhi from the Central Station and the other two were staying in Bombay hotels up to 27th morning.

18.165 When asked how he established the identity of Karkare he referred to the Crime Report, Ex.185-C/IV at page 5 where it is written that they had located where Karkare was and they put a watch at his brother's house.

18.166 The Crime Report showed that inquiries had been made about Badge also but Badge never came to Bombay, so the question of his identification did not arise. Nagarvala discussed with Rana what he had already done but Madanlal's statement was not discussed. He kept a small diary in which he had some names which were the same as in the Crime Report. Badge's name was also there. When

a portion of Mr. Rana's letter addressed to Mr. Kamte was read out to Mr. Nagarvala, he said that it was incorrect that persons mentioned by Madanlal were hiding in Bombay. He said that he had done his job and he was quite satisfied with what he had done.

18.167 He knew nothing about the circular regarding the activities of Rashtra Dal. Any circular for compiling a list of members of the Hindu Mahasabha and the R.S.S. would be in 'H' Branch of the Bombay C.I.D. Special Branch. When asked if he knew anything about the information given by Mr. G. V. Ketkar of Poona to Bombay Government he said that he was not told anything about it. He examined Balukaka Kanitkar after the murder because his name appeared in the inquiry but Mr. S. R. Bhagwat's name did not transpire nor Mr. Keshavrao Jedhe's.

18.168 When asked whether anybody informed him where Badge belonged to, he referred to the Crime Report and said that he belonged to Poona. They also learned that he was dealing in arms, daggers and knives, and that Savarkar was in the conspiracy. He said that he did not get in touch with anybody in Poona because he knew that Badge was not in Poona. Further he said that on investigation it was found that out of the names which are in the first Crime Report, except Karkare and Badge others were not in the conspiracy.

18.169 The Commission would like to remark that Badge was arrested on the 31st January after the murder and his house was searched. The order of his arrest on the 24th apparently was because he was suspected to be connected with Karkare. It would have been fruitful if at that stage the aid of Poona Police had been sought. An earlier arrest should have been more useful.

18.170 He reiterated that the policy he was proposing to follow had the approval of Mr. Rana, D.I.G. (C.I.D.) Apte's name had not transpired in the investigation before 31st January, 1948. That does not appear to be correct. He was mentioned by designation in Ex.1 which Mr. Nagarvala did not read. Mr. Nagarvala added that if an offence is committed at a particular place it is for the Police of that place to do investigation and if it wants to seek the help of any other Police force it is for the former to ask for the latter's assistance and therefore it was not for him to suggest or interfere in regard to Madanlal being brought to Bombay.

18.171 Mr. Nagarvala said that it was correct that he wanted the Delhi Police Officers to interrogate Avtar Singh but they were not prepared to do so. He could not force them because they were not subordinate to him. He got the statement of Madanlal on February 5, 1948. He also said that the house of Savarkar was being kept constantly under watch and he could not say where Mr. Barucha got this fact from that the conspirators visited the house of Savarkar and still they were not detected.

18.172 When cross-examined by Mr. Kotwal, Mr. Nagarvala said that Deputy Commissioners of Police had direct approach to the Minister particularly the Special Branch Deputy Commissioner. He was several times called up by the Home Minister during the course

of his terms of office and instructions were given to him in regard to arms and ammunition and possession of arms and ammunition by certain communities in Bombay.

18.173 Mr. Nagarvala said that Mr. Nanda, Minister for Labour asked him to arrest certain labour leaders but he was not agreeable and he informed the Home Minister about it and they were not arrested because the Home Minister backed him. He used to see the Home Minister about thrice a week and got instructions from him on various matters. That was because he held the office of the Deputy Commissioner of Police.

18.174 He was called by the Prime Minister Mr. Jawaharlal Nehru and was directed to help in the preparation of India's case against the Portuguese in regard to Goa, Dadra and Nagar Haveli.

18.175 He said that he had a separate brochure of the bomb case in which all the information was recorded but it was kept for two or three years and was available for the preparation of Ex.14 but it must have been destroyed by now meaning when he was making his statement. He said note Ex.14 was correct and in accordance with the record which was then available. He added that he started writing the Crime Report after he became the investigating officer; before that there were notes only in the form of a brochure. He added that he wrote the Crime Report from the 20th to the 31st after he became investigating officer. That was to help in the collection of evidence in the conspiracy case and it also showed what information he had before the 31st. Crime Report had also to be produced when the remand of an accused person was to be secured. He added that he became investigating officer as from the 31st January but actual orders were passed later with retrospective effect. Names of the persons who were arrested in the conspiracy case, the places where they were arrested from and the dates of their arrest were given in the Crime Report No. 7, Ex.185, and the Crime Reports up to the 6th of February were produced before the Magistrate at the time of the remand.

18.176 With regard to the investigation between 21st and 30th he had a notebook which is referred to in Mr. Rana's letter, Ex.30. When asked if the names of the Editor and Proprietor of the Agranī and the Hindu Rashtra were mentioned in the notebook Nagarvala's reply was in the negative and he said that he came to know about them after the murder. He added that if he had come to know about the editor or the proprietor of that paper there was no reason why he should not have taken action in regard to them. Similarly if Ex. 5 had been shown to him he would have proceeded against the editor of the Agranī as he did against others. He could not recollect anything about the indexing of the names of Madanlal, Karkare and Kulkarni in the D.I.B. records because the names which the Deputy Commissioner of Bombay had were those which were on the All-India list.

18.177 When Mr. Nagarvala's attention was drawn to the Police Diary No. 3-A, Ex.38, and to Ex.5-A, as recorded in diary No. 3-A, he said that he never saw Ex.5-A; there was no occasion for him to keep any extract from that document. He denied that any facts were given to him other than about Karkare whom the Delhi Police wanted to

arrest and added that they had no more information. He denied that any information was given to him by the Delhi Police about the editor of the "Hindu Rashtriya or Agranī" newspaper. The relevant portion of the statement contained in Case Diary No. 3-A was read out to Mr. Nagarvala and he denied that anything like that happened. He also denied that he rang up Ahmednagar or booked a call to the D.I.G., C.I.D., in the presence of the Delhi Police Officers. He denied the correctness of whatever was stated in Police Diary No. 3-A. He also denied that he asked the Delhi Police Officers to go back and added that Inspector Khargaonkar could not have told anything to the Delhi Police Officers because he was not in the investigation.

18.178 Mr. Nagarvala stated that from their Police statements it appeared that both Nathuram Godse and Apte were staying in the Elphinston Hotel, Bombay and Arya Pathik Ashram under assumed names as from the 23rd when they came to Bombay by Calcutta-Punjab Mail up to the 27th when they left Bombay for Delhi by air but at that time he had no knowledge of their being in the conspiracy. It was correct, he said, that Apte was staying in the Arya Pathik Ashram in room No. 30 as stated by PW 63 Daya Prasad Dube. In Court Daya Prasad had stated that he knew N.D. Apte and also knew him as Narayan Dattatraya and he had known him for a year and a half. Dube said that he stayed in the Hotel from 23rd under the name D. Narayan. That night another person was with him. D. Narayan also stayed in that Hotel on the following day i.e. 24th and on the morning of the 25th with a lady. It was only on this occasion that he had put down his name as D. Narayan and on no other previous occasions had he done so although he stayed in that Hotel previously also. He identified N. D. Apte as D. Narayan in Court.

18.179 It, therefore, appears that after the bomb was thrown and N.D. Apte returned to Bombay he stayed in the Ashram under an assumed name although the owner of the Ashram knew what his correct name was. It is surprising that he was allowed to do so with the knowledge and connivance of the owner.

18.180 Mr. Nagarvala then said that he was told that an order for Karkare's arrest had been issued and he was entitled to presume that the order would be carried out. He did not inform Ahmednagar Police that Karkare was wanted in connection with the bomb explosion. He added that there were contacts in Bombay who could give him information about Karkare.

18.181 At this stage Counsel for the Government of India made a statement saying that his case was not that Karkare was at Ahmednagar during the period 21st to the time of his arrest but his case was that if information had been given to Ahmednagar Police the whereabouts of Karkare could be more effectively found out. The Commission wholly disagrees with this view. Ahmednagar Police knew nothing about Karkare's whereabouts and cared less. But they did have a full record of his activities and knew that he was an associate of N.D. Apte and that could have been available to the Bombay Police.

18.182 Mr. Nagarvala was then questioned about his talk with the D.I.B. on the 27th January. He was asked if he told the D.I.B. on that

day that he had given all the information to the Home Minister, and his reply was that he could not remember.

18.183 He did not ask as to who the associates of Karkare were because there was nothing before him from which he could even suspect that Godse and Apte were associates in the offence nor did he know that Karkare and Apte were making anti-Congress propaganda or moving together. As far as Bombay City Police was concerned both Apte and Godse were unknown persons and he had no information of Madanlal's association with anybody in Poona. He did not even know where Madanlal came from.

18.184 Mr. Nagarvala also said that when a person is ordered to be watched it does not mean that a tail is to be put on him but it depends upon the instructions. In the first Crime Report he had only put down the names of persons who were prominently connected with the conspiracy to kidnap; not every body's name is there. The Delhi Police Officers had not told him that there was a conspiracy to murder. He did not ask for the dossier of Karkare from Ahmednagar Police because the Home Minister had told him that Karkare's detention had already been ordered. He would not know if there was a dossier in Ahmednagar. He said that he did not make any further inquiries about Karkare because he knew that he was to be arrested.

18.185 When asked about finding out from Nagar Police as to the associates of Karkare, he said that he found out from Nagar Police that Karkare was not there and he did not make any further inquiries but continued his inquiries in Bombay about him and his associates. He did not ask his brother to give the names of Karkare's associates. "Question of associates would have arisen if he would have got Karkare because people who came and saw Karkare did not become his associates." He said that the D.S.P., Ahmednagar could not have thrown more light on Karkare. The persons who were on his list were not necessarily associates of Karkare; those were names of persons who were anti-Mahatma Gandhi and might kidnap him and do harm to him. It had yet to be ascertained as to what association they had with others. When asked whether any one of those persons was considered to be an associate of Karkare, his reply was 'no'. But what would have subsequently been proved was a different thing. He said that in his Crime Report he had not put in the full information but all that which was pertinent. One of the main objects of writing the Crime Report at that stage was that it might not later on be said that associating the name of Savarkar with the conspiracy was an after-thought. He said that he was neither postponing nor expediting any arrests. He was taking stock of the position to the best of his ability. He did not go to Nagar on 24th as Karkare was not there.

18.186 At this stage the attention of the Commission was drawn to Ex.215-A which deals with the watching of Railway Stations. The various entries show that Badge's name was not a new one and that he was suspected of being engaged in smuggling of arms. The entries begin from 19th December, 1947 and go up to 8th January 1948. Nagarvala said that after the murder he got information that Apte, Godse and Karkare were close associates. Between 20th and 30th they were looking for associates of Karkare and he did not look

for associates of Badge because there was no information that Badge was concerned with explosion of the bomb in Delhi. He said that on 21st he was not investigating the case of conspiracy nor any case under the Indian Penal Code or under the Explosive Substances Act. Therefore, the question of calling Badge a conspirator did not arise on 21st. He was only making inquiries regarding the information that he had received from the Home Minister. He said that he had mentioned Karkare and Badge in his Crime Report. There is no reason why he should not have mentioned Godse and Apte if these names had been disclosed to him. If the names had been disclosed it would have been his duty to mention them.

18.187 In answer to a question by Commission he said that it was not within his knowledge as to what statement Madanlal had made. Delhi Officers only wanted to arrest Karkare as investigating officers and he was helping them. The statement of Madanlal would have been of importance if he had been making investigation into the explosion of the bomb but not if he were only making inquiries about matters given by the Home Minister. He said that the word "investigation" in his letter, Ex.8, was used in a loose sense; the correct word should have been "inquiry". He said that there was nothing before him from which he could conclude that Madanlal has made a statement in Delhi giving names of associates of Karkare. In answer to another question he said the Home Minister asked him to look for Karkare and his associates. If Delhi Police alone had come he might have referred them to the local C.I.D. or to the C.I.D. Crime Branch or to the Divisional Police. From Delhi Police Officers he learnt nothing more than the name of Karkare and they had no knowledge of anything else that Madanlal had stated. He said it was not correct that he did not take Jaswant Singh seriously; he took serious note of what he said and gave him facilities for whatever he wanted to do.

18.188 During the course of his inquiry and from the information received he had reason to believe that there was a gang which was likely to kidnap the Mahatma. He was not obsessed by any theory much less kidnapping theory. He added that if information regarding kidnapping persistently came in and was credibly correct, howsoever much one might disagree with it one had to work on it. The purpose of kidnapping as far as he knew was that if Mahatma was not there the 55 crores would not have been paid to Pakistan.

18.189 In Ex.7 paragraph 8, Mr. Sanjevi had stated—

"I asked him about the absconding accused whose names or descriptions were given to the Delhi Police by Madanlal. Mr. Nagarvala told me that he would send a detailed note on the investigation made at Bombay City and elsewhere in the Province by air the next day."

Mr. Nagarvala was given an opportunity to reply to this matter and his reply was that the statement in paragraph 8 was not correct and that Mr. Sanjevi in his telephonic talk never asked him about any absconding accused. The Delhi Police officers had not brought any descriptions or names of the absconding accused except the name of Karkare, and it was not possible that Mr. Sanjevi could have asked

him on the telephone about the absconding accused except Karkare. In his conversation with Mr. Sanjevi, Nagarvala had mainly referred to the information which he had received about the conspiracy to kidnap Mahatma Gandhi by a large gang. It was his practice to confirm by letter the substance of a telephonic talk and he, therefore, sent a confirmatory letter on the 30th January, 1948 summarising the talk which he had with Mr. Sanjevi on the telephone and the letter is a correct record of the talk he had.

18.190 Mr. Nagarvala also stated that the Delhi police did not hand over to his C.I.D. Inspector any note or paper containing names and descriptions of the accused. If any such note had been handed over then, the Inspector would have brought it to his notice.

18.191 Mr. Nagarvala was recalled and he stated that the documents prepared by the Poona C.I.D. about the Hindu Mahasabha and sent to Government, reference being to Ex.114 and 114-A, did not come to his notice and would not come to his notice.

18.192 He did mention about the kidnapping theory to Mr. Morarji Desai and if the latter says that he did not then it must be due to lapse of his memory. He met the Home Minister several times between the 20th and the 30th January in connection with the information which the Home Minister had given him. Instructions given to the witness were that he was to arrest Karkare and his associates connected with the bomb explosion. He would not, he said, run to the Home Minister and tell him that he was unsuccessful in arresting Karkare. He must have gone to tell him that Karkare was not in Ahmednagar and he must have seen the Minister to inform him what he had already done.

18.193 He also reported to Mr. Sanjevi about the kidnapping theory in his letter dated 30th January 1948 and further he asked for special Police Officers and as these officers could only be given under the orders of the Home Minister he must have explained to the Home Minister why he wanted those officers. Whatever he had done in the matter of investigation he had put down in his letter, Ex.8, and he had mentioned in Ex.14 his explanation dated 19th March 1949 and with this explanation he had sent a copy of his letter Ex.8.

18.194 When he arrested the accused persons four or five of them were wearing mufflers including Savarkar.

18.195 When he found out from his brother at Ahmednagar that Karkare was not there it would only have been a formality for him to make inquiries from the D.S.P. again. The answer would have been the same even if he had done so.

18.196 In his investigation between the 20th and the 30th there was nothing which required his getting into touch with Poona. All that he could have asked at that stage was whether Karkare of Ahmednagar was in Poona. If he had done so he would have been disclosing secret information to another officer and he would not go about broadcasting the information given to him by the Minister or

by a Chief Secretary. At that stage there was nothing to indicate Godse, Badge or Apte being in the conspiracy. The D.S.P. Ahmednagar could not have given him any information as to the associates of Karkare. At that time he was not looking for Badge as an associate of Karkare but for the purpose of finding out the source of illicit arms particularly the gun-cotton slab used at Birla House. At that stage there was no evidence to show that he (Badge) was connected with the conspiracy of throwing a bomb.

18.197 Evidence has been produced before the Commission contained in Intelligence Bureau file No. 13/HA(R)/59-II, Ex.224-A which contains certain documents which if they had been obtained earlier might have been of great assistance in the investigation or inquiry which was going on at Bombay. Deputy Supdt. Chaubal of the office of the D.I.G., C.I.D. sent to Mr. Nagarvala after the murder a document giving the list of relatives and associates of Karkare and amongst them was N.D. Apte, and the next document of importance is a letter with which were sent three copies of photographs of V. R. Karkare and his descriptive role. Along with this photograph of Karkare's were sent three copies of the photograph of Apte so that reference to the D.I.G., C.I.D., Poona would have been most useful even for Mr. Nagarvala's inquiry or working out the information given to him by the Home Minister.

18.198 The Commission has also seen the list sent by the Ahmednagar Police to the D.I.G., C.I.D. It contains the name of V. R. Karkare but gives no particulars about him or about his associates whereas Ex. 114-A which was the list supplied by the D.I.G., C.I.D. to Government does contain the activities of Karkare and who his associates were. He has been shown as a Savarkarite and co-worker of N. D. Apte and potentially dangerous.

18.199 The evidence of Police witnesses from Ahmednagar shows that they had a complete dossier on the activities of Madanlal and Karkare. As a matter of fact it was S. I. Balkundi who furnished the information to Dy. Supdt. Chaubal about Karkare and his association with Apte. If the District police of Ahmednagar had been asked it was not only possible but probable that the information and photograph of Karkare supplied after the murder would have been supplied earlier.

18.200 Nagarvala's explanation Ex.14 with notes of Bombay Secretariat have been added to the chapter dealing with Ex.5-A.

18.201 The Commission has been thinking as to how the idea of kidnapping came to be considered the objective of the conspirators by the Bombay Police. One explanation may be a faulty understanding of the Punjabi language by the contacts and informers because many Punjabi words sound alike though they are different words and sometimes same words have different meanings in different contexts e.g. *dass* meaning ten and also 'to show'. This may be highly conjectural as an explanation but the theory of kidnapping was so astounding that some such mistake must have led to its being considered respectable.

Mr. J. S. Bharucha's Statement—J. S. Bharucha, Wit. 22—

18.202 Mr. J. S. Bharucha, IP and retired Commissioner of Police, Bombay, witness No. 22, was the Commissioner of Police during the period with which the Inquiry is concerned with. He stated that in January 1948 because of its communal activities the Hindu Mahasabha was kept under watch but there was nothing to indicate danger to the life of Mahatma Gandhi or any information about the conspiracy to murder him.

18.203 Mr. Morarji Desai phoned him at 7.00 P.M. and wanted him to be present at the railway station at the time of the departure of the train to Ahmednagar but he changed his mind and soon said that he (Bharucha) need not come and told him that he would like Nagarvala to come. But the Home Minister did not tell him why he wanted him at the railway station. Nagarvala at that time was very busy because he was on the political side. In Mr. Bharucha's opinion, he was an efficient officer. At the time the communal situation in Bombay was serious and stabbing was going on and when Master Tara Singh came it became more tense. That was before the Delhi bomb was thrown. All this kept the police very busy.

18.204 His information was that the Delhi Police did come to Bombay but they did not do very much and Nagarvala told him that they were not of much use. After the murder, he (Bharucha) asked Nagarvala as to why he did not tell him anything about Professor Jain and his reply was that Mr. Morarji Desai had asked him to keep the whole thing confidential. Mr. Morarji Desai dealt with the police directly, although the orders to the police should have come through the Home Secretary.

18.205 He was shown Ex. 5-A and asked if he would be able to make anything of it. His reply was 'yes' and he would be able to do so particularly in regard to the editor "Hindu Rashtriya" and "Agrani" and also Karkare. From Ex. 5-A it should have been possible for the Bombay Police to find out from the Poona Police as to who the conspirators were. He was for two months the D.S.P. of Poona and at the time he must have known something about Nathuram Godse. If he had been told that Madanlal had met Savarkar, he would have got into touch with the Poona Police and tried to locate the companions of Madanlal. He did not think that Poona Police was pro-R.S.S. If there was cooperation between Bombay Police and Poona District Police and C.I.D., Poona, arrest of conspirators would not have been difficult, and if Bombay Police had got into touch with Angarkar and Gurtu and Mr. Kamte, it would not have been "difficult to nip the conspiracy in the bud".

18.206 He wrote the letter, Ex. 93. Along with it there is Ex. 15, a copy of a letter by this witness to Mr. Kamte, in which he has complained about Nagarvala not taking his help or Mr. Kamte's help and they could have been of the greatest assistance.

18.207 The Commission would like to observe that it is not necessary to decide about what Mr. Bharucha has said regarding the help of Mr. Kamte or of Mr. Bharucha but it is of the opinion that the help of Gurtu and of Angarkar would have been very valuable.

18.208 Mr. Rana when he returned from Delhi did not meet this witness and, therefore, he never came to know about the statement of Madanlal. He was asked about what he should have done knowing that a bomb had been thrown at Mahatma Gandhi's meeting. His reply was as follows:—

"Q. When you came to know that a bomb had been thrown at Mahatma Gandhi's meeting by a person who was a refugee from West Punjab but then living in Bombay, would it not have been your ordinary duty to find out who this man was, who his other co-conspirators were, and how serious the matter was?

A. From the information that I had, I did not think it was serious enough for me to initiate any investigation myself. I remember I did not do anything. Nobody thought it to be so serious as it turned out to be."

18.209 In cross-examination he stated that he could not remember if during the time that he was D.S.P., Poona he came to know anything about the conspiracy to murder. He surprisingly replied, "I do not remember". He could not remember if Apte was arrested during his term of office. During the investigation of the bomb case he got no communication from Mr. Sanjevi and nobody complained to him that the Delhi officers were not properly treated at Bombay. He (Mr. Bharucha) had no information about the conspiracy to kidnap Mahatma Gandhi, nor that the Deputy Commissioner was working on it. He could not exactly remember what Nagarvala told him about the visit of the Delhi Police officers.

18.210 In cross-examination by Mr. Chawla, he said that he did not know Professor Jain before but after the murder when he met him, Jain complained about the negligence of the police and of the inactivity of Mr. Morarji Desai against whom he had a kind of prejudice. He (Bharucha) talked to Mr. B. G. Kher about Professor Jain's information. Mr. Kher collected the police officers at the Secretariat and asked the police why they were not vigilant enough and he (Bharucha) told him that he had no information. He could not remember if Nagarvala was there. He had no information about the coming and going of the Delhi Police officers at the time. He had seen the two letters which Mr. Nagarvala had sent to Mr. Sanjevi. They were sent direct. He did not know at that time that Savarkar's house was being watched. As it was an important matter, information should have been given to him. After the murder, he met Savarkar who told him (Bharucha) that he had nothing to do with Gandhiji's murder. From that Mr. Bharucha concluded that there was something wrong. He immediately went and saw Mr. Morarji Desai and told him that he suspected Savarkar and also told him what Savarkar had said to him. Mr. Morarji Desai said to Bharucha, "Why do you not arrest him?" At that time Savarkar was really ill and Mr. Bharucha told Mr. Morarji Desai about it. Till then Mr. Bharucha did not know that Savarkar's house was being watched. It may have been remarked that Mr. Nagarvala has deposed that Savarkar was feigning illness.

18.211 Hindu Mahasabha people were trying to be very aggressive. Even Mr. Morarji Desai was shot at. Mr. Bharucha did not know what kind of speeches the Hindu Mahasabha people were making, but they were talking against Mahatma Gandhi and in violent terms against the Congress. In those days the police had to be very careful and speeches had to be very violent before any action could be taken. The Home Minister was very careful and was helpful to the police and gave a lot of latitude. The communal situation then was so bad in Bombay that he had to give practically the whole of his time to stop their activities and in that Mr. Morarji Desai was very helpful.

18.212 To sum up Mr. Bharucha's evidence, it comes to this—

- (i) In December 1947 and January 1948 the communal situation in Bombay was bad, stabbing was going on, the Hindu Mahasabha people were aggressive and even Mr. Morarji Desai was shot at.
- (ii) The Hindu Mahasabha people were against Mahatma Gandhi and were talking in violent terms against the Congress, but there was no indication that there was danger to Mahatma Gandhi's life or to that of any other Congress leader.
- (iii) Nagarvala should have got the aid of the Poona District Police and the Poona C.I.D. and should have got into touch with Gurtu and Ahgarkar.
- (iv) If the Delhi Police brought Ex. 5-A, from that Nagarvala should have been able to find out about the editor of the *Hindu Rashtriya*.
- (v) If Mr. Bharucha had been told that Madanlal was meeting Savarkar, he would have got into touch with Poona Police in order to find out the associates of Madanlal.
- (vi) The letters, Ex. 93 and Ex. 15 were not very complimentary to Mr. Nagarvala.
- (vii) During the 10 days after the bomb was thrown Mr. Sanjeval did not get into touch with Mr. Bharucha.
- (viii) Mr. Bharucha had no information about the conspiracy to kidnap Mahatma Gandhi.
- (ix) After the murder, Mr. B. G. Kher called the police officers at the Secretariat and asked them why the police was not vigilant and he (Mr. Bharucha) told him that he had no information about the bomb.

CHAPTER XIX

COMMUNAL HINDU ORGANISATIONS

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CHAPTER XIX

COMMUNAL HINDU ORGANISATIONS

A. Hindu Mahasabha, Bombay

19.1 In Maharashtrian districts of the Province of Bombay the Hindu Mahasabha was very active and strong, which is shown by the following documents:—

19.2 The Black Day celebrated by Hindu Mahasabha on July 3, 1947 met with considerable success in Maharashtra—in Bombay, Poona and Sholapur. Meetings were addressed at Poona by Mr. V. B. Gogte, etc. The Hindu Sabhaites abstained from attending Independence Day celebrations. It was decided to send 500 volunteers from Maharashtra districts to U.P. to carry on struggle there.

19.3 Punjab Mourning Day was observed on August 31, 1947 but it was not a success.

19.4 Ex. 271-A, dated August 25, 1947, shows that on the 25th there was a general meeting of the Maharashtra Hindu Sabha at Poona where 25 persons were present, including V. R. Karkare, G. V. Ketkar, N. D. Apte and N. V. Godse. This meeting was called for making preparations for the Hindu Sabha Satyagraha in U. P. On December 3, 1947 a meeting of the Hindu Mahasabha was held at Tilak Samarak Mandir, Poona. Ex. 206, on "Why Negotiations Now". G. V. Ketkar presided. Prof. Mate said that Mahatma Gandhi and Pandit Nehru were against retaliation but what was the sin in it. It really meant reply to wrong done previously, and only such a society could be a living society. He blamed Pandit Nehru for scandalising Hindu Mahasabha and the R.S.S. "If any attempt was made to undermine solidarity of the R.S.S., they should be prepared for the re-action of 4 lakh of Hindu houses". G. V. Ketkar said that their enemy was false notion of nationalism. Gandhism-cum-false nationalism was enemy No. 1. The Hindu Mahasabha was determined to carry on propaganda against this enemy. So Gandhism was their enemy.

19.5 On December 11, 1947, Ex. 262, at a meeting of the Hindu Mahasabha, Poona. Mr. Bhopatkar characterised the stand-still agreement with the Nizam as an outcome of the policy of appeasement. He wanted arms to be provided to the Hindus in the State in order to defend themselves.

19.6 At a meeting on January 6, 1948 at Poona, Mr. Y. Joshi, President, Hyderabad State Hindu Sabha, urged the audience to support struggle of the Hindus in Hyderabad and requested the Government to provide arms to the public to defend themselves. Mr. V. B. Gogte criticised the Central Government in regard to the Nizam. At another meeting on the 7th January, Mr. G. N. Kanitkar said that Hyderabad was not likely to accede to India; the Government must arm the people in order to fight the menace of the Nizam. The speaker seems to be Balukaka Kanitkar.

19.7 Under the head "R.S.S." the order of Mr. Kher in regard to collecting information of leaders of the R.S.S. and the Hindu Mahasabha, Ex. 177, has been mentioned. As a result thereof, orders were issued and the lists, Ex. 114 and Ex. 114-A, were compiled, which contained the names of prominent leaders of the Hindu Mahasabha who were Savarkarites like Nathuram Godse, Apte, Badge, Athawle. This will be discussed under the heading "R.S.S.". Karkare who was a prominent leader in Ahmednagar, has been mentioned in Ex. 114-A. It has also been mentioned there that orders had been passed to keep watch on their activities, send special reports, which were sent for some time but were subsequently discontinued on the recommendation of the D.I.G., (C.I.D.), but documents Exs. 114 and 114-A show that those members of the Hindu Mahasabha who were Savarkarites were shown as potentially dangerous. In Ahmednagar also under the auspices of the Hindu Mahasabha anti-Muslim processions were being taken out; bombs were thrown in various localities which, according to Inspector Razaak, witness No. 34, were inspired by the Hindu Mahasabha leaders in Ahmednagar, as a consequence of which the Government ordered detention of several Hindu Mahasabha workers, including Madanlal and some other refugees, and of Karkare. But according to the evidence of the Police officials and the District Magistrate of Ahmednagar, there was nothing to indicate that these activities were directed against the Congress or had any likelihood of any danger to Mahatma Gandhi's life. The finding of arms with S. V. Ketkar who said that the arms belonged to Karkare has already been discussed under Ahmednagar Affairs. It is not necessary to go over that matter again.

19.8 As to Poona, all the evidence which has been discussed under the heading "R.S.S." applies *mutatis mutandis* to the Hindu Mahasabha. Here again the evidence of the Police officials and of the Home Secretary, Mr. Dehejia, who was at one time District Magistrate of Poona, has not disclosed any awareness on their part of the Hindu Mahasabha as such being involved in any anti-Gandhi movement.

Mr. Khadilkar, Wit. 97—

19.9 But there is the evidence of Mr. R. K. Khadilkar, Deputy Speaker of the House of the People, witness No. 97, that there was an atmosphere in Poona which was both anti-Gandhi, anti-Congress and portended danger to Mahatma Gandhi's life. There is similar evidence of documents relating to late Balukaka Kanitkar, e.g. Ex. 81, his statement before the Police in the Gandhi Murder Case, and in the Purshartha, Ex. 166, and in his letter to His Excellency the then Governor General which he addressed after Godse and Apte had been ordered to be hanged, Ex. 11. Mr. G. V. Ketkar's statements also shows that the atmosphere was anti-Gandhi and there was danger to his life. Mr. N. V. Gadgil, witness No. 6 before Mr. Pathak, has also deposed that there were rumours of danger to Mahatma Gandhi's life and Mr. Jedhe who was staying with him told him in the form of a conundrum that the life of a great man was in danger and that he would hear something terrible but he never disclosed whose life was in danger and from whom. Mr. Morarji Desai, witness No. 96, said that there was information of likely danger to the life of top Congress leaders at Delhi but the information was vague and did not disclose whom the danger was from.

Mr. Munshi, Wit. 82—

19.10 Mr. K. M. Munshi, witness No. 82, whose knowledge of affairs in the then Province of Bombay deserves particular attention of the Commission, has deposed that the Maharashtrian Kesari school of thought had no faith in Gandhiji or Gandhian methods which had resulted in personal prejudice against him. Among the Hindus there was a group called Savarkarites who did not identify themselves with the Hindu Mahasabha and stood aloof from them. But the evidence of the Bombay and Poona Police shows that they were prominent members of the Hindu Mahasabha, although it appears that the Hindu Mahasabha as a whole has abstained from the Savarkarite ideology and were not terrorists but the Savarkarite group did believe in political assassination. Mr. Munshi, in the opinion of the Commission, has rightly drawn a distinction between the ideology of the Savarkarite group and the Hindu Mahasabha as a whole. Ex. 114 also shows that persons who were potentially dangerous were those who were Savarkarites.

19.11 That the Savarkarite group was in a way distinct from that of the other members of the Hindu Mahasabha is also shown by the fact that Savarkar had inspired the starting of what is called 'Hindu Rashtra Dal', which will be discussed hereafter; amongst the founders of which were Apte and Godse as shown by Ex. 34 of 1st August, 1944. On 22nd May, 1947 there was a special circular issued by Rao Sahib Gurtu for D.I.G., C.I.D., Poona, Ex. 54, calling the attention of the D.S.Ps. to maintain a close watch on the Hindu Rashtra Dal and to report any attempt made by its volunteers and others to implement the advice given by Mr. Savarkar.

19.12 It may here be mentioned that a meeting of the Hindu Rashtra Dal was held on 9th and 10th May, 1947, at which N. D. Apte of Poona was present, Savarkar presided, and advocated a spirit of aggression to protect themselves against Muslim atrocities. He also said that the Dal had a distinct identity, and that if the Hindu Mahasabha were to separate from the Dal its volunteers should oppose it. He advocated retaliation for everything that the Muslims did and stood for "tooth for a tooth and an eye for an eye". This shows that the Hindu Mahasabha was distinct from the Dal and the ideology of the one was quite different from that of the other. It may be that the Dal members were members of the Hindu Mahasabha but their methods were different.

Mr. Nagarvala, Wit. 83—

19.13 Mr. J. D. Nagarvala, Deputy Commissioner of Police, Bombay, witness No. 83, has stated that the Hindu Mahasabha did believe in political assassination but there was no talk of murders in August 1947 and there was no political activity by them in Bombay. They (the Police) knew about Savarkar and his history but his group was not operating in Bombay and he was not watched because being a political leader it could only be done if Government so ordered, nor was he listed nor were his movements trailed but after the bomb incident his house was watched. He also said that Godse, Apte, and Madanlal were unknown in the city of Bombay.

19.14 Ex. 112 dated July 3, 1947 shows that a meeting was held under the auspices of the Poona City Hindu Sabha to observe the anti-Partition Day as Black Day. Mr. N. V. Bhopatkar presided and the speakers included Mr. G. V. Ketkar, Mr. V. V. Gogte, and N. V. Godse and said that time had come to show the same courage as in the times of Shivaji and the Peshwas.

19.15 In Ex. 120-A/I the Hindu Mahasabha activities have been set out and report sent by the Police which shows: (1) the Sabha leaders were criticising the Congress and exploiting the situation to gain popularity, and Savarkar called upon the Hindus to unite; (2) the Sabha had condemned the partition of India and also the Muslim atrocities in the Punjab and Bengal; (3) it characterised the policy of the Indian Union and of the Bombay Government as cowardly and impotent. It demanded that the Muslims should not be allowed to hold key positions. Dr. Moonje in a statement sarcastically asked Mahatma Gandhi whether he had attained peace and security after sacrificing a part of India and the Sikhs; (4) it wanted India to be named "Hindustan", Hindi as their language, and *Gerua* flag as their national flag, and 'Bande Matram' as the National Anthem; and (5) since their utter rout in the last Assembly election they realised that they could not fight the Congress without the support of the majority community, i.e. non-Brahmins in Maharashtra. The Sabha abstained from Independence Day celebrations. The Punjab Mourning Day on 31st August, 1947 was sponsored by the All-India Hindu Mahasabha but did not meet with public response.

19.16 Ex. 271-B dated October 18, 1947 shows that the Hindu Sabha, Press and people were criticising the Congress for opposing the establishment of Hindu Rashtra. Dr. D. R. Gadgil, the renowned Economist "and Constitutional Expert" had advocated the establishment of Hindu Rashtra which was welcomed.

Mr. Dehejia, Wit. 84—

19.17 Mr. V. T. Dehejia, witness No. 84, stated that before the Partition the feelings against Mahatma Gandhi were not against him personally but against his pro-Muslim policy. Members of the R.S.S. and the Hindu Mahasabha had anti-Gandhi and anti-Muslim feelings. Some of the newspapers in Poona were criticising Mahatma Gandhi for pro-Muslim policy but they were not rabid against Mahatma Gandhi, although they were rabid against Muslims and the pro-Muslim policy of the Congress. Even those newspapers did not preach violence against the person of Mahatma Gandhi or any other leader. But that group was confined to the districts of Poona, Ahmednagar, and Satara.

Mr. Morarji Desai, Wit. 96—

19.18 Mr. Morarji Desai as witness No. 96 said that Hindu Mahasabha people who were throwing bombs were a class who would go to any length to create trouble against Government. Their newspapers were indulging in great deal of communal propaganda. He also said that at that time Hindu Mahasabha and the R.S.S. were working together.

Mr. Khadilkar, Wit. 97—

19.19 Mr. R. K. Khadilkar, witness No. 97, said that they felt at the time that the kind of fanaticism they were having in Poona among the Hindu Sabha circles would lead to violence. The danger to Mahatma Gandhi, he added, came from Hindu fanatics i.e. the small section of the Hindu Rashtra Dal which was part of Hindu Mahasabha and the R.S.S. He sensed danger from the camp which was advocating Hindu fanaticism and that was very much in Poona.

Mr. Purshottam Trikamdas, Wit. 15—

19.20 Mr. Purshottam Trikamdas, witness No. 15, stated that bitter criticism was being levelled against Mahatma Gandhi by the Hindu Mahasabha and R.S.S. who did not like what Gandhiji was doing and, therefore, suspicion would naturally fall on the Hindu Mahasabha and the R.S.S. that they were behind the conspiracy.

Mr. Gurtu, Wit. 22—

19.21 Mr. N. S. Gurtu, witness No. 22, stated that reports came to him about the communal activities of Nathuram Godse, Karkare, Apte, Badge and several others. They carried on propaganda against Gandhiji's policies *qua* Muslims but he could not remember if there was any propaganda for doing harm to Mahatma Gandhi, least of all murdering him. There were reports about their preparing bombs but that they were not meant to be used against Mahatma Gandhi. When he heard about the bomb explosion at Birla House, he had a vague suspicion that that might be the work of Hindu Mahasabha and R.S.S. group. But he had no idea that it was the work of Godse group.

Mr. Balkundi, Wit 37—

19.22 Deputy Superintendent A. S. Balkundi, witness No. 37, said that the Hindu Mahasabha activities at Ahmednagar were anti-Muslim. He also deposed to the attack of Karkare and Madanlal on Patwardhan.

Mr. Parvin Sinhji Vijay Sinhji, Wit. 38—

19.23 Mr. Parvin Sinhji Vijay Sinhji, Superintendent of Police, Poona, witness No. 38, said that the activities of Hindu Mahasabha workers like Apte, Nathuram Godse and Ketkar were anti-Muslim but there were no overt attacks against the Muslims. There was a strong feeling against Gandhiji because he was considered the architect of the partition.

Mrs. Sarla Barve, Wit. 39—

19.24 Mrs. Sarla Barve, witness No. 39, has deposed that one Sathe came to see her husband but he not being there Sathe told her that some Hindu Mahasabha workers had gone to Delhi to harm Mahatma Gandhi.

19.25 Mr. J. S. Rane, Ahmednagar D.S.P., also described the Hindu Mahasabha agitation to be anti-Muslim.

Mr. R. C. Joshi, Wit. 80—

19.26 Mr. R. C. Joshi, Collector of Ahmednagar, witness No. 80, stated that Hindu Mahasabhaitees were violently anti-Muslim and Karkare was a militant Hindu Mahasabhaite.

19.27 Another document, which is demonstrative of the attitude of Nathuram Godse, is Ex. 71 which is a Marathi record of the proceedings of a meeting of the Hindu Mahasabha held at Shivaji Mandir on November 28, 1947, at 6.30 P.M. The audience was about two thousand and the speakers were V. B. Gogte and N. V. Godse. The subject of the speeches was "Hindu Nation and Jayaprakash Narayan", and was a quick reply to J. P. Narayan's speech made in Poona. The speakers ridiculed Jayaprakash Narayan about his socialism and accused the socialists of helping in the creation of Pakistan and the partition of India and its consequences. At that meeting Nathuram Godse said—

"Allegations have been made that the Sangh and the Hindu Sabha have hatched a conspiracy to murder Pandit Nehru because he had said that he would brandish his sword on behalf of the British Government for finishing Subhash Babu as he was a traitor".

There was some reference to Mahatma Gandhi also and that Socialism was the unclaimed progeny of Gandhism. The speech ended with:—

"The Hindu Mahasabha and the Sangh are seen subjected to criticism. The main reason is that they saw 'Kansa'."

19.28 All this evidence leads to the conclusion that—

- (1) the Hindu Mahasabha was strongly anti-Muslim;
- (2) it was carrying on propaganda against the Government because of the Government's appeasement of Muslims policy;
- (3) Godse and Apte were known to be carrying on violent communal propaganda and so also Badge and Karkare;
- (4) the Savarkarites particularly and the Hindu Sabhaitees in general were blaming the Congress for the Partition and M. Gandhi was being held out as its principal architect: but the propaganda was not against Gandhiji personally;
- (5) the Rashtra Dal had a distinct ideology;
- (6) there were in Poona tense feelings against Mahatma Gandhi and people like Mr. R. K. Khadilkar felt that there was danger to his life from fanatical Hindus.

Delhi

19.29 Coming now to Delhi, the Hindu Mahasabha wholeheartedly took up the cause of the refugees and fully took advantage of the misfortunes of the refugees who were coming into the city. Direct evidence in regard to their activities is also afforded by Delhi Police C.I.D. Reports and by the Weekly Intelligence Abstracts.

19.30 Weekly Abstract of Intelligence dated 24th January, 1948, Ex. 135, shows that a meeting of the Hindu Mahasabha was held on 18th January under the auspices of the Delhi Provincial Hindu Sabha. It expressed indignation over the payment of cash balances

of 55 crores. Dr. Gokul Chand Narang described the fast of Mahatma Gandhi as helpful to the Muslims to get more value for their property and that Mahatma Gandhi was playing into the hands of Maulana Azad to help Pakistan. He preached the establishment of Hindu Raj. Prof. Ram Singh said that the fast proved helpful in ridiculing Hindus and Sikhs all the world over, depicting them as aggressors. Kesho Ram characterised Mahatma Gandhi as a dictator and said that he might meet the fate of Hitler soon.

19.31 The Sikhs although they do not fall under the heading 'Hindu Mahasabha' said that the people of India should get prepared to fight Pakistan and their belief was that Muslims could not prove loyal to the Union and so Mahatma Gandhi was not justified in siding with the Muslims.

19.32 The Abstract of Intelligence dated January 31, 1948, Ex. 136, also gives the activities of the Hindu Mahasabha. It shows that a procession was taken out on 25th January in connection with Arya Samaj Anniversary. Swami Dharmanand said that the fast undertaken by Mahatma Gandhi has spoiled "the show" to remove Muslims from Delhi.

19.33 At a meeting on the 27th January, V. G. Deshpande, Mahant Digvijaynath and Prof. Ram Singh trenchantly criticised the Government and Gandhiji for their indecisive anti-national and pro-Muslim policy. This meeting was held without permission in spite of the ban against public meetings. Deshpande said that Mahatma Gandhi's outburst only showed to the Muslims that non-Muslims were aggressive. M. Digvijaynath urged that the Hindus should not rely on Muslims and also exhorted the gathering to turn out Mahatma Gandhi and other anti-Hindu elements to Pakistan. Prof. Ram Singh opposed Mahatma's move in getting mosques vacated. A resolution was passed condemning Government for giving 55 crores to Pakistan, and urged that preparation should be made to retain Kashmir and there should be no referendum or plebiscite on Kashmir but there should be a plebiscite in Hyderabad State. Cries of "LONG LIVE MADANLAL" were raised, which cannot adequately be condemned.

19.34 The Sikhs demanded the total annihilation of Pakistan and said that sufferers of Pakistan could not rest unless they have retaliated.

Prof. Ram Singh, Wit. 75—

19.35 Prof. Ram Singh was examined by the Commission as witness No. 75. He put the position of Hindu Mahasabha as follows: It was opposed to the partition and was trying to undo the disadvantages thereof. It was in favour of all the Hindus being brought safe to India from Pakistan. It was opposed to the policy of Mahatma Gandhi of placating the Muslims and keeping them in India and getting the mosques vacated which had been taken possession of by Hindus and Sikhs, who had placed their dieties and religious symbols there. It was also opposed to keeping the Muslim houses vacant when Hindus and Sikhs were without shelter and pregnant women were giving birth to children and had nowhere to go to. It was also opposed to 55 crores being placed at the disposal of Pakistan to continue its Kashmir war. He said that he was not in favour of murder of Mahatma Gandhi and no Hindusabhaite was. The

Hindu Mahasabha was not in favour of assassination of leaders and they were not responsible for the shouting of 'MADANLAL ZINDA-BAD'. That was the reaction of the people as they felt like it and none of the leaders of Hindu Mahasabha or its members knew anything of the existence of the conspiracy to murder Mahatma Gandhi.

19.36 Prof. Ram Singh also said that the mere fact that persons who subsequently murdered Mahatma Gandhi stayed in Hindu Mahasabha Bhawan did not connect the Hindu Mahasabha with any design of assassination and the Bhawan was a purely resting place without any political strings. Prof. Ram Singh further stated that the general feeling of Hindus in Delhi was bitter against Mahatma Gandhi during the days of his fast. They were against Mahatma Gandhi and also against the Government and they knew that Mahatma Gandhi was only a tool in the hands of Government. He was no longer the master of the Congress. He denied that he knew Nathuram Godse.

Mr. Sahni, Wit. 95—

19.37 Mr. J. N. Sahni, witness No. 95, has stated not about the Hindu Mahasabha but the Hindus in general that they considered Mahatma Gandhi an impediment and some sections were expressing dissatisfaction and decrying and condemning Gandhiji for taking a biased and pro-Muslim attitude. As a consequence of these feelings both Mahatma Gandhi and Pandit Nehru became the targets of their fury because the Hindu Sabha thought that they were going too far in the policy of appeasement of Muslims.

19.38 Mr. Sahni also said that Dr. N. B. Khare made speeches likely to incite the people to violence and other people from Poona were also making similar kind of speeches, and after leaving the Congress Dr. Khare was a member of the Hindu Mahasabha and he congratulated Savarkar for joining the Hindu Mahasabha and attended a meeting of the Hindu Mahasabha presided over by Savarkar in 1938. He started an all-India Hindu National Front at which Savarkar presided. But he denied that he was anti-Gandhi although he was against Gandhi's philosophy.

Mr. V. Shankar, Wit. 10—

19.39 Mr. V. Shankar, witness No. 10, did not say anything about the Hindu Mahasabha but he just said that the Hindus and Sikhs insisted that the Mohammedans should be sent away from Delhi and the matters were aggravated after the payment of 55 crores.

19.40 The evidence relating to the Hindu Mahasabha has been discussed at length in order to find out if it had any connection mediate or immediate with the murder of Mahatma Gandhi. The evidence shows that—

- (1) there was a group of persons amongst them whom Mr. K. M. Munshi described as the 'Kesari' group led by Savarkar, and whom the police report, Ex. 114, describes as Savarkarites, whose activities were anti-Gandhi and who were intensely communal in the sense that they advocated the establishment of a Hindu Rashtra by turning out the foreigners and combating Mohammedan aggression by counter aggression. They believed in 'tit for tat';

- (2) that group was no believer in non-violence and political assassination was not a weapon which they would be hesitant to adopt;
- (3) they were followers of Savarkar and believed in his ideology *Savarkarvad*;
- (4) they were strongly opposed to Gandhism and even to Gandhiji.

19.41 The Hindu Mahasabha though sharing the views of the Dal were no believers in political assassination. They were opposed to the Congress for its policy of appeasement of the Muslims. The Sabha was not in favour of political assassination. No evidence has been led that they were believers of or accepted the creed of violence though they were not in favour of non-violence.

B. R. S. S.

Bombay Province

19.42 The activities of the R.S.S. and of the Hindu Mahasabha must have come to the notice and been under the consideration of the Bombay Government in 1947; because we find that in a confidential secret document Ex. 177 Mr. B. G. Kher, the then Premier, made three suggestions regarding these bodies, that (i) complete list of officers and members of the R.S.S. be collected by the police and submitted to Government, (ii) similar order as to the leaders of the Hindu Mahasabha organisations, and (iii) strict watch be kept on the operations of the two organisations. There is no date to this order but on August 7, 1947, Mr. Morarji Desai issued an order to the D.I.G., C.I.D., and to the Commissioner of Police, Bombay, to get the requisite information within 10 days; the information should be discretely obtained and must be correct and complete in all respects.

19.43 Consequent upon this, an order was issued on the following day by the Home Secretary both to the D.I.G., C.I.D., Poona, and to the Commissioner of Police, Bombay. Thereupon, the D.I.G., C.I.D., sent a list of Hindu Mahasabha members of Poona, Ex. 114, on August 19, 1947 and the Commissioner of Police, Bombay, sent his two lists on August 27, 1947, Exs. 210 and 210-A, of both Hindu Mahasabha and R.S.S. members. It may be mentioned that a list of extreme political workers had previously been compiled by the Commissioner of Police, Bombay, on September 5, 1946, Ex. 266-A, which included the name of Savarkar. But it does not show that his movements were trailed. His movements were watched in the sense that a watch was maintained at the railway stations, which was probably meant to find out where he was going, if he went out of Bombay.

19.44 In the order, Ex. 113, dated 8-8-1947 which had been issued by the Bombay Home Secretary a direction was given that a strict watch be kept on the operations of the R.S.S. and of the Hindu Mahasabha organisations.

19.45 It does not appear that any separate list was prepared of the R.S.S. by the D.I.G., C.I.D., nor does this list show that the various persons whose names are given in this list were members of the R.S.S. But there is evidence to show that many R.S.S. members were members of the Hindu Mahasabha. This list contains the names of Nathuram Godse who is shown as a staunch Savarkarite, of N.D.

Apte who is shown as potentially dangerous, of G. V. Ketkar shown as a staunch Savarkarite and the brain behind Hindu Sabha activities and influential, N.R. Athawale also shown as potentially dangerous and staunch Savarkarite, and D. R. Badge is also shown as potentially dangerous and dealer in unlicensed arms.

19.46 To this is added another list, Ex.114-A, which is of Ahmednagar. It mentions N. R. Karkare as a smuggler in arms, co-worker of N. D. Apte and potentially dangerous. But both Ex. 114 and Ex.114-A are provincial lists. The district list of Ahmednagar does not give all this elaborate information.

19.47 There is another list compiled by the local C.I.D., Poona, and in that also the names of Nathuram Godse, a Savarkarite, N.D. Apte also a Savarkarite and being tried for an offence under the Explosives Substances Act, G. V. Ketkar as staunch Hindu Sabhaite, N. R. Athawale also as a Savarkarite and under trial under the Explosives Substances Act, D. R. Badge a Savarkarite and dealer in unlicensed arms, are included. The forwarding letter dated August 15, 1947 is Ex.115 and shows that the list sent was (i) of the officers and members of the R.S.S., and (ii) of the leaders of the Hindu Mahasabha.

19.48 Although in the letter, Ex. 113, a direction had been given that a strict watch be kept on the R.S.S. and the Hindu Mahasabha organisations and special reports be sent regarding them and some special reports were sent in the beginning, yet at the instance of the D.I.G., C.I.D., Poona, an order was passed that the sending of special periodical reports regarding the R.S.S. and Hindu Mahasabha organisations be discontinued.

19.49 The Commissioner of Police, Bombay, in reply to the letter of the Bombay Government, sent a separate list of R.S.S. and showed the names of certain persons as office-bearers, organisers and officers in charge of divisions and commanders more on the lines of the army organisations, but it does not show as did Ex.114 of Poona that anyone of them was potentially dangerous or was doing anything portending immediate danger. Unfortunately, the list prepared by the Commissioner of Police, Bombay, of the important members of the Hindu Mahasabha also does not show what the activities of those members were or whether they were in any way dangerous. From these various documents it is difficult to say that the R.S.S. as such was indulging in any such activities which might have been dangerous to the life of Mahatma Gandhi or of any other Congress leader.

19.50 On September 23, 1947, Ex.120-B, Bombay Government asked the D.I.G., C.I.D., Poona, and the Commissioner of Police, Bombay, that separate periodical reports should be forwarded regarding the operations and activities of the R.S.S. and the Hindu Mahasabha. On September 30, 1947, Ex.118, the D.S.P. wrote to the D.I.G. that there was flag salutation, march past, physical exercises and games. B. N. Vide addressed the volunteers and said the Sangh stood for revenge against injustice and for the protection of the Hindu religion and culture. Sangh was not after jobs but it will resurrect Hindu glory. By Ex.119 dated October 7, 1947 the D.S.P. Poona wrote that the R.S.S. volunteers were responsible for Hindu-Muslim riots in certain rural areas of Poona District.

19.51 On October 18, 1947, Ex.271-B, the Hindu Rashttra in its editorial warned the Government that if it banned the rally at Chinchawad (Poona), it would result in rousing the minds of the Hindus. On November 18, 1947, Ex.271-C, at a meeting in Poona Guruji Golwalker explained the object of the Sangh to be the integrity of India. In another meeting in Poona Atre condemned Congress leadership for continuing the defeatist and weak-kneed policy towards the Muslims which had brought the Hindus into peril.

19.52 Ex.62 dated December 20, 1947, is a Bombay Weekly Letter showing that on December 10, 1947, a private meeting of Hindu Sabhaites including some Punjabis and Sikh refugees was held where V. R. Karkare remarked that the services of some refugees who were ex-armymen could be utilised in training the R.S.S. volunteers. There could be, he said, no peace unless they had their revenge against Muslims.

19.53 Ex.120-A/1 dated September 17, 1947 shows the activities of R.S.S. It is, it said, the best organised and militant organisation in India and essentially Hindu and although not affiliated, most of its prominent organisers and workers are either members of the Hindu Mahasabha or sponsors of the Hindu Mahasabha ideology. Its object was to unify the Hindus and to establish Hindu militia with the object of freeing the country from the foreign domination, including Muslim domination. Though ostensibly an open organisation, it maintained secrecy about its work, etc. Because it was associated with Hindu Mahasabha its policy was considerably influenced by the Sabha ideology. In certain districts it was suspected of having a hand in communal incidents but it was only a suspicion and there was no proof. It had its branches all over the province excepting Surat and Broach. Its strength was 28,306 in August 1947. It had also commenced open propaganda through public meetings. It had started its tentacles to spread into the villages by contacting village leaders, school teachers and others. At Poona it collected Rs. 15,000 on Purnima Day and it decided to collect a lakh of rupees, out of which Rs. 94,000 had been collected. The Sangh volunteers did not participate in Independence Day celebrations. Its activities on various religious festival occasions were rallies, flag salutations and private meetings.

19.54 Mr. V. T. Dehejia, witness No. 84, said that when he was District Magistrate, Poona, he had no reason to think that the administration there was pro-R.S.S. or Pro-Hindu Mahasabha nor did he suspect anybody in the Home Department as being pro-R.S.S.

Delhi

19.55 We may take up the evidence relating to the activities of the R.S.S. at Delhi. Mr. Bannerjee, witness No. 19, has stated—

“My assessment of the situation or the position of R.S.S. was this, that it was not R.S.S. as such that was responsible for the bomb-throwing on Gandhiji or his murder. In my opinion, those who conspired to murder Gandhiji did not do so as members of the R.S.S. However, some of the activities of the R.S.S. were considered to be anti-social and objectionable and the feeling was that Government was showing itself rather tardy in dealing with this organisation

Although R.S.S. was banned it should not be taken to be an acceptance by the Government of the allegation that the murder of Mahatma Gandhi was by members of the R.S.S. as such. They were not active participants in that."

19.56 Mr. J. N. Sahni witness No. 95 has deposed to a secret organisation but did not directly mention it as R.S.S. He said that it was being openly discussed in those days, i.e. about the time of the Birla House bomb, that there was a secret organisation with about 6 lakh volunteers which would stage a *coup d'etat* and that organisation had secret cells in different parts of India including the Punjab, Maharashtra etc. It was then being rumoured that its leader was Golwalkar, Bhupatkar or Dr. Khare and that its volunteers were being trained in Alwar, Bharatpur and some other places with the objective of overthrowing the Government after killing the top leaders and when Mahatma Gandhi was murdered it was considered to be a part of the plan and stringent measures were taken. He also said that there was a secret political movement helped by some princes through their Chieftains, creating a fifth column in India to take over when the British power withdrew, at least in their respective States. The princes named by him were Jaisalmer, Jodhpur, Alwar, Bharatpur, Baroda and Bhopal. This movement was led by Golwalkar from Nagpur, and Bhopatkar from Poona, and the concentration of leadership was there.

19.57 As far as the Commission is aware, Guruji Golwalkar was and is the head of the R.S.S. movement. Mr. Sahni did not ascribe these activities to the R.S.S. but just mentioned a secret movement.

1958 Mr. M. K. Sinha, Deputy Director of Intelligence Bureau in 1947-48 stated that there was a strong Mahasabha movement and R.S.S. movement in Marathi-speaking parts of Bombay and in C.P. and in parts of Bihar. He could not say whether there was any anti-Gandhi movement there but there was a great deal of anti-Gandhi talk especially because of Gandhi's attitude towards Pakistan; but he had received no reports about this anti-Gandhi movement likely to burst into violence.

Mr. B. B. S. Jetley, Wit. 55—

19.59 Mr. B.B.S. Jetley witness No. 55 when recalled the second time said that he made a list of 600—700 cases against the R.S.S. in a couple of months after Independence, the charge against them being of collecting arms and attacking villages and assaulting individuals, and his recommendation was that the R.S.S. should be banned and he went and talked to the U.P. Premier Mr. G. B. Pant and the Home Minister Mr. Lal Bahadur Shastri. They agreed with him but they said that they would consult Sardar Patel. The movement was banned but it was after Mahatma Gandhi's murder. He was called by Sardar Patel and was told by him that it was extremely difficult to ban the R.S.S. because he thought that the Muslims were already against them and he did not want the Hindu Public also to go against them. Mr. Jetley added that he told Sardar Patel that something terrible may happen. That was in October or November 1947. He also saw Mahatma Gandhi but he did not tell him this; he only brought before him the weapons seized from the R.S.S. but he would not look at them. When he told Sardar Patel that something serious would happen, he did not mean murder of Mahatma Gandhi but it might have happened to Sardar Patel himself or to Prime Minister

Jawaharlal Nehru. He then said that he did not think that Sardar Patel ever attended an R.S.S. rally in the U.P. But he was not in Lucknow in May 1947 and that Sardar Patel attending any such rally before independence was quite different from doing this after he became Union Home Minister.

19.60 Mr. Hooja's reports Ex. 95 show that at Alwar there was a training camp of R.S.S. in May-June 1947 which received the patronage of the Prime Minister Dr. Khare and the Home Minister with the knowledge of the ruler. It was also reported that both these Ministers took a prominent part in helping the R.S.S. activities and the Prime Minister extended it the fullest patronage. They received military training in the beginning of February and were put up in one of the military barracks. They did firing practice with muzzle loaders and also secret training in rifle and revolver practice.

19.61 In his next report dated February 23, 1948 Mr. Hooja has again given the activities of the R.S.S. and has given details of what help they got. The help they got was by way of petrol, furniture and essential and controlled articles. Besides the Ministers, some officials and the ruler attended an R.S.S. function at Bansur.

19.62. Mr. Sahni also deposed that the R.S.S. had done splendid work in protecting the Hindus particularly villagers during the days of the Partition in West Punjab which was supported even by a member of the Gandhiji's party as shown in Pyarelal's "The Mahatma Gandhi—the Second Phase" at page 440. He said that they had shown discipline, courage and capacity for hard work.

Mr. N. V. Gadgil, Wit. 6—

19.63 Mr. N. V. Gadgil, Wit. No. 6 before Mr. Pathak, stated that the R.S.S. helped the Hindus and Sikhs at the time of the Partition. They protected the Gurdwaras. Hindus and Sikhs were aware of the services rendered by the R.S.S. men. They did not like Nehru's speeches who thought that he could not prove his nationalism unless he criticised the Hindus. Gadgil's writing to Pandit Nehru explaining the position had no effect. The result was that anti-Gandhism was spreading.

19.64 At page 687 of his book Pyarelal has said the following:—

"The R.S.S. was a communalist, para-military, Fascist organisation, controlled from Maharashtra. The key-positions were held almost exclusively by the Maharashtrians. Their declared object was to set-up Hindu Raj. They had adopted the slogan, "Muslims clear out of India". At the time they were not very active, at least overtly, but it was being darkly hinted that they were only waiting for all the Hindus and Sikhs in West Pakistan to be evacuated. They would then wreak full vengeance on the Indian Muslims for what Pakistan had done.

Gandhiji was determined not to be a living witness to such a tragedy. The Muslims were now in a minority in the Indian Union. Why should they feel insecure as to their future as equal citizens in the Indian Union? There was much they had to answer for and correct. But it was up to the majority community to be magnanimous and to forgive and forget."

19.65 At page 751 Pyarelal has written that there was a vast net work of an organisation under the direct encouragement, direction and control of the R.S.S. with the object of planning and carrying out pogroms against Muslims as a part of the cruel war of brutality and counter-brutality, reprisals and counter-reprisals their activities including collection and distribution of arms and ammunition.

19.66 At page 9 of Pyarelal's book it is stated that when the Muslim League in the Punjab formed its National Guards as a part of the Muslim League Movement, the Hindus organized on similar lines the R.S.S. Both of them were banned in the Punjab by Sir Khizer Hayat's Ministry in early 1947; and although the R.S.S. submitted to the order and allowed their premises to be locked up the Muslim League National Guards refused to obey the order but a search was carried out and the search of the premises revealed that they had a dump of over a thousand steel-helmets, quantity of uniforms and a mass of inflammatory literature. Two or three days later the ban on the Muslim National Guards and R.S.S. was revoked. Open defiance of the law by the Muslim League continued resulting in the coalition Government collapsing. The same version is also given in "The Stern Reckoning" by Mr. Justice G. D. Khosla, p. 95.

19.67 On or about the 12th September, 1947 the head of the R.S.S. called upon Gandhiji and told him that they were not for killing of Muslims, but for protection of Hindus i.e. they were a protective and not a destructive force and that R.S.S. stood for peace. But when the Mahatma asked them to openly repudiate the allegations and condemn killing and harassment of Muslims they said that Gandhiji could do it himself. A few days later the leaders of the R.S.S. took Gandhiji to attend one of their rallies which they were holding in Sweepers' Colony. They welcomed Gandhiji and called him a great man that Hinduism had produced. In reply Gandhiji said that he was proud of being a Hindu but his Hinduism was not intolerant nor exclusive.

Dr. Sushila Nayyar, Wit. 53—

19.68 Dr. Sushila Nayyar, witness 53 described the reaction of the Mahatma when she eulogised the services of R.S.S. volunteers at Wah. She said that she did not know them; they were like the Black Shirts, the Nazis and the Fascists. According to Mr. Pyarelal, witness No. 54, the R.S.S. had infiltrated into the Delhi Police which was also affected by anti-Gandhi sentiments.

Mr. Jayaprakash Narayan, Wit. 98—

19.69 Mr. Jayaprakash Narayan as witness No. 98 stated before the Commission that in his speech in Bombay Chronicle dated 28-4-1948, Ex. 243, he did say that some Ministers were attending R.S.S. rallies. He could not give the names of the Ministers but there must have been some information before him and he would not be surprised if Sardar Patel also attended a R.S.S. rally in May or June 1947. But it must be observed that there is no other evidence in support of this allegation which as a matter of fact, other evidence contradicts e.g. Miss Maniben Patel and her diary and Mr. V. Shankar.

Dr. M. S. Randhawa, Wit. 18—

19.70 Dr. M. S. Randhawa, witness No. 18, stated that the R.S.S. and conservative extremist Hindus were at the back of the bomb incident and it was a mode of showing resentment by the refugees. He was not sympathetic to R.S.S. He had ordered the arrest of hundreds of members of R.S.S. In spite of that the Maulanas dubbed him a partisan of the R.S.S.

19.71 According to the Hindustan Times dated 3rd February 1948 at a meeting to mourn Gandhiji's death at Ramlila Ground Nehru said that for the spread of communal poison every one including himself was to blame. Patel called upon the people to maintain peace and Jayaprakash Narayan demanded that the Government should ban all communal organisations. Pandit Nehru then said "what we have to see how and why even one man among 40 millions could cause this terrible wound on our country. How was an atmosphere created in which people like him could act in that manner and yet dared to call themselves Indians".

19.72 According to the diary of Miss Maniben Patel dated February 1, 1948, "members of R.S.S. came and said to Sardar that their organisation was not involved in the murder".

19.73 Hindustan Times of January 7, 1948 has given an account of Sardar Patel's Lucknow speech in which he blamed Mohemmadans for not condemning Pakistan for what she was doing in Kashmir. He also referred to the R.S.S. He said that they should give up their use of force and the Congressmen should deal with the R.S.S. not with ordinances because the R.S.S. was not working for selfish motives and the Congress should win them over. the Hindu Mahasabha could wind up its organisation and merge with the Congress.

19.74 On January 16, 1948 Sardar Patel made a speech at Bombay reported in the Hindustan Times of 17th January. He explained his Lucknow speech and said that the Muslims had gone to Gandhiji and complained against him and had even told him many things which were not true, but Gandhiji had defended him which he (Sardar) did not like because he was strong enough to defend himself.

19.75 The criticism by communist workers, socialists, etc. had sent the local Hindu Mahasabha members "in high dungeon". There was an increased activity on the part of the R.S.S. workers and their meetings were addressed by many prominent Hindus calling upon the people to strengthen the R.S.S. It also shows that the R.S.S. and Hindu Mahasabha leaders at Poona were, "to say the least, alike to each other".

19.76 Some of the witnesses who have deposed about the activities of the Hindu Mahasabha have also deposed to the activities of the R.S.S. Mr. Pyarelal, witness No. 54, stated that he had a feeling that the Delhi Police was anti-Gandhi and pro-R.S.S. and that it was not surprising because many of the members of that force were themselves victims of Muslim high-handedness.

19.77 Delhi Police Abstract of Intelligence, dated December 18, 1947, has given an account of an annual rally of the Delhi R.S.S. on December 7, 1947 at Ramlila Ground where 50,000 volunteers attended. The Maharaja of Alwar, Maharajkumar of Idar, Dr. Gokul Chand Narang, Seth Jugul Kishore Birla were amongst those present. On

the arrival of Guruji M. S. Golwalkar, the Sangh flag was hoisted and there were physical exercises. Golwalkar then made a speech and said that the Congress Government was as ignorant about the Sangh as the previous British Government. He eulogised Shivaji, Maharana Pratap and Raghunath Bhonsle. He criticised those who had started a campaign against R.S.S. and described the attitude of Government as un-Indian and "Satanic". He exhorted the volunteers to carry on their work and referred to the excellent work done by the Sangh in the Punjab. He compared the attitude of Government towards the Sangh in disparaging terms. He said that lot of Sangh volunteers perished in the disturbances in upholding the cause of *Hindutwa*.

19.78 On the 8th December there was a workers' meeting where 2,500 Workers were present. There Golwalkar exhorted the workers to enrol more volunteers and to be prepared for guerilla warfares on the lines of Shivaji's tactics. He said the Sangh would finish Pakistan and if anybody stood in their way they will finish him also. "No matter, whether it would be Nehru Government or any other Government". India, he said, was no place for them to live. They, he said, had means whereby their opponents could be immediately silenced, which is a highly provocative utterance if not threat of violence.

19.79 Ex.135 dated January 24, 1948, which is the Delhi Police Weekly Intelligence Abstract, shows that the R.S.S. was busy organising the villagers in Najafgarh Police Station and they were severely criticising Government for their pro-Muslim policies.

19.80 The Government of Maharashtra has placed before this Commission a large number of Exhibits which are weekly reports of the activities of various groups in the then province of Bombay in the Marathi speaking regions. It does not appear from these reports that this violence had a particularly anti-Gandhi or anti-top Congress leaders objective. But the arms collecting and the bomb throwing was given out as an anti-Muslim and anti-Razakar movement. This has been deposed to by practically all the official witnesses who have appeared from Ahmednagar, Poona and Bombay. But it may be added that Mr. Morarji Desai himself said that although all these movements were anti-Muslim, yet all these people thoroughly disliked the Congress and the Congress Government and they were meant to embarrass the Government. In Delhi also there is no evidence that the R.S.S. as such was indulging in violent activities as against Mahatma Gandhi or the top Congress leaders.

C. Hindu Rashtra Dal

19.81 Exh. 34 which has no date but was sent with a letter dated August 1, 1944 from the D.I.G., C.I.D. of Bombay Province to Bombay Government gives the origin of this movement and its objects. It was essentially a Hindu volunteer corps organisation but quite distinct from the R.S.S. Although originally started by the Hindu Maha Sabhaites, it was not officially affiliated to the Hindu Maha Sabha.

Brief History

19.82 On May 15, 1942 V.D. Savarkar, President of the Hindu Maha Sabha addressed the volunteers at the training camp of that organisation at Poona and emphasised the necessity of forming a

volunteer organisation for secret activities, as that could not be undertaken by the Sabha. As a consequence of this Hindu Maha Sabha leaders such as S. R. Date, V. V. Gogte, N. D. Apte and N. V. Godse founded the Hindu Rashtra Dal at Poona with the object of assisting the Hindu Sabha activities. But they made no effort in popularising the movement of the Dal or to increase its membership.

19.83 In May 1943, N. D. Apte and N. V. Godse organised a second annual training camp of the Dal at Ahmednagar. 70 volunteers from Marathi-speaking districts of Bombay and the Marathi-speaking Indian States attended the camp. It trained volunteers in Indian games, physical exercises, shooting practice with air-guns; and also classes to propagate Savarkar ideology.

19.84 On May 29, 1943, V. D. Savarkar held private discussions with the Hindu Rashtra Dal in Anandashtam, Poona. He required the volunteers to owe an implicit allegiance to him irrespective of who the President of the Hindu Maha Sabha was. Dal was to remain a distinct body, its primary duty being to protect Hindudom and render help to every Hindu institution in their attempt to oppose encroachment on their rights and religion. Savarkar ideology was attainment of Hindudom, opposition to Pakistan and indivisibility of India.

Membership

19.85 There were at Poona about 150 members. The office bearers were—

- (1) N. V. Godse, editor of the Agrani, Chief Organiser.
- (2) Kashinath Limaye Sangli.
- (3) N. D. Apte, Secretary.
- (4) Prof. R. S. Jog of Ferguson College, Organiser.

Activities

19.86 Its activities were confined to maintaining order during Hindu Maha Sabha meetings and enrolling of Hindu Sabha members. On June 22, 1944, 15 Hindu Rashtra Dal volunteers led by N. D. Apte staged a black flag demonstration before Mahatma Gandhi at Panchgani the object being to protest against C. R. formula.

19.87 There is no evidence of what happened to this Dal up to May 22, 1947 on which date a circular was issued by the D.I.G., C.I.D., Poona, on the activities of the Dal. It was addressed to all District Superintendents of Police and subordinate officers up to Sub-Inspectors in the I.B. This document required the Police to keep a close watch on the activities of the Dal and to report on any attempt made by volunteers and others to implement the advice given by Savarkar. Attached to this was a summary of the proceedings of the Dal held at Dadar on May 9 and 10, 1947, where Savarkar presided. The object of the meeting was to revitalise the Hindu Rashtra Dal activities. Savarkar made 4 speeches giving the aims and objects of the Dal, its constitution and his views on communal riots in India and the partition of the Punjab and Bengal.

19.88 The object of the Dal was stated to be the propagation of "Hindu Rashtra Vad as propounded by Vir Savarkarji" called Savarkarism.

19.89 Savarkar as the dictator nominated—S. V. Modak of Satara and P. V. Gothaskar as the next dictator and General Secretary. Savarkar during the course of his speech asked the volunteers to assist the villagers in securing arms, licences within the provisions of the law. The Dal was based, it was said, on Savarkar's ideology. He talked about Muslim atrocities in the Punjab, Bengal and N.W.F.P. and said that they would not stop until the Hindus retaliated in the same spirit including raping of women and destroying of mosques etc. if Hindu women and Hindu places of worship were treated in that manner. Savarkar advised the Dal volunteers to oppose the Constitution to be framed by the Constituent Assembly if it was against the interests of Hindus and Hindudom.

19.90 While dealing with R.S.S. and Hindu Maha Sabha movements reference has already been made to exhibits 114 and 114-A which gave the activities of the Hindu Maha Sabha leaders. Amongst them the prominent ones were N. V. Godse, N. D. Apte, D. R. Badge, G. V. Ketkar and N. R. Athawle. Apte, Badge and Athawle were shown as potentially dangerous, Godse member of the Hindu Rashtra Dal and G. V. Ketkar as a staunch Savarkarite and brain behind the Hindu Sabha movements. In Ex. 114-A, V. R. Karkare was shown as a staunch Savarkarite, co-worker of Apte, a smuggler of arms and potentially dangerous, but he was not shown as a member of the Dal. These lists were sent to Government with a letter of 19th August 1947 by the D.I.G., C.I.D., Poona.

19.91 In their statements as accused in the Gandhi Murder case Godse, Apte and Karkare have given the details of holding camps at various places like Poona, Ahmednagar and other places in 1942, 1943 and 1944.

19.92 Nathuram Godse's statement also shows that on January 16, 1944 Godse and Apte decided to start a newspaper to give publicity to the work of Hindu Sabha and Rs. 15,000 were given as a loan by Savarkar and the first issue of the Agrani appeared on March 25, 1944. It ceased publication under this name in July 1947 because of the demand of Rs. 5,000.00 as security on July 3, 1947 under the Press Emergency Powers Act and soon after July 15, 1947 it restarted under the name of the Hindu Rashtra, which cannot be a credit to the efficacy of the Press Act. N. V. Godse was the editor of both these papers. N. D. Apte was the proprietor of the Agrani and the Hindu Rashtra was owned by a private company of which the shareholders were N. D. Apte and N. V. Godse and this continued to be published till January 31, 1948. Godse was arrested on the 30th, i.e. a day before.

19.93 The following extracts from the Agrani and the Hindu Rashtra show the trend of writings in those newspapers—

Exhibit 233.A—the "Agrani", dated the 12th April, 1947.

The thirst for blood of the advocate of non-violence has not been quenched.

Mr. Gandhi who cherishes (lit. taken to heart) as his life time ideal to annihilate the mentality of residence of the Hindus by advocating unilateral non-violence, has now clearly stated in his post-prayer speech that he is anxious to see (Barrister) Jinnah adorn the Presidential chair (lit. Presidentship) of independent India. Mr. Gandhi had already revealed his pro-Islam slavish mentality, at the

beginning of his political career (lit. life) by inviting the Amir of Afghanistan to invade India under the gorgeous pretext (lit. name) of achieving independence. After that by raising the issue that some impostor's rule might be established in India as a result of anarchy due to war, this false (lit. nominal) devotee of freedom and his hypocritical worshipper of truth and non-violence was eager to place the crown of India's sovereignty on the head of the 'Nizam and to pay respects to (lit. to wave five lapped platter round the face of) such a Nizam. Mr. Gandhi had already tried to entrust power again to Jinnah through the mouth of Rajaji by offering (Barrister) Jinnah the prime ministership of the Interim Government, and now feeling definitely that independence is knocking at the door, this "quisling" of the Hindu nation is openly wooing (Jinnah) saying (Barrister) Jinnahbhai why do you demand only Pakistan, that is India's one third or one fourth? Why do you not accept when this humble servant is prepared to offer at your feet the whole of India? From this, we are constrained to say that the thirst for Hindu blood which this "Mahatma" (i.e. seductive soul-this is a parody of the word "Mohatma" meaning the great soul) is feeling has not yet been satisfied.

* * * *

Mr. Gandhi, commit suicide.

It is the height of (lit. to reach the height of) shamelessness that the coward who cannot go out without taking the aid of the police and soldiers so that no harm is done to his person, the touch of whose feet converts many an Ahilya occupying minister's posts into Shrupa-nakhas, who cannot step forward in carrying on the administration without bombs, cannons and British soldiers, should advise (the Hindus) to sacrifice themselves without offering resistance. Does the Sultan blinded with power consider the blood of the Hindu people as not worth a pie, so that this Bania who is a traitor to his community (meaning Mahatma Gandhi) should despite the flowing of several rivers of it, devise fresh means of satisfying the blood thirst of these monstrous aggressors. Does he not think the blood-shed at Noakhali, Punjab and Bihar as adequate? We clearly tell Mr. Gandhi that if the rivers of Hindu blood that he has made to flow or the encouragement that he has indirectly given to such outrages, by the advocacy of which cowardly philosophy, is at least to be partially to be undone then Gandhi should accept the defeat of his cowardly and worthless non-violence and should, for the defence of his self-respect (if any is left of it) commit suicide; if not, he should bid goodbye for ever to Indian Politics. Does this Sokaji who has been so generous about the lives of others consider lakhs of his countrymen? Is it not the duty of the people to determine from this the real worth of this hypocritical patriot?

Exhibit—233.B

Full translation of a news item with the heading "Hindu Rashtra-Sewak Mr. Badge arrested" appearing on the first page of the issue of the Hindu Rashtra dated 7-6-1947.

Hindu Rashtra Sewak Mr. Badge arrested

Poona, dated 6-6-1947.—The Police (B. Sub) arrested tonight at 8.30 under 19F of the Arms Act Hindu Rashtra Sewak, Mr. H.N. Badge,

the Manager of the Maharashtra Shashtra Bhandar here. He was immediately released on bail. Now the prosecution is launched (lit. started) against Mr. Badge for the second time.

Exhibit—233.C—the Hindu Rashtra, dated 3-7-1947

* * * *

The Agrani has received several letters (requesting) "Write something about this day-today and send more copies". That means the object is that they want something like curses on (lit. abuses to) Congressmen and opposition to the Muslims. But what have to-day's young men done so that the devotees of Hindutva who have tolerated today for years together the timid rule of the Congress, should be glorified

* * * *

This to-day's youth(?) who is a devotee of Hindutva reads every day the news that today the Congressmen arrested more Hindus. Jawaharlal killed Hindus only; Vallabhbhai tolerated the molestation of a Hindu woman and Gandhi (lit. and what of Gandhi) he is always eager to start for a tour in order to annex every day a new province to Pakistan.

After reading this news what else has the youth who is a devotee of Hindutva done beyond saying that the Congressmen are cowards, and anti-Hindus?

If you cannot do anything else, you should remain bearing silently that which is in existence. You should not at all make a tom-tom of your devotion to Hindutva'!

Exhibit—233.D

Full translation of Mr. Bhalji Pendharkar's message on the observance of the Black-day, the 3rd of August, appearing in the Dainik Agrani Hindu Rashtra, dated 6th July, 1947.

Black Day observances at different places

"My sad, distressed and perhaps despondent Hindu brothers.! This is such a black day, forced on us by those that have black marketeered in the nation (as a commodity) that every Hindu, every patriot should protest against it at the top of his voice until the threat gives way and the chest bursts. And it is a matter of great shame that some weaklings accidentally (lit. by mistake) born in Maharashtra, should come and justify this partition in this capital of the Chhatrapati..... The partitioners of Akhand Bharat be condemned a hundred times". These are the remarks touching the heart of every Hindu, made by Bhalji Pendharkar in a letter sent from his sick-bed on the occasion of the Kalhapur 'Black Day'.

Exhibit 233-E.—Hindu Rashtra, dated 9th July 1947

Brothers!. You have been knowing Mr. Nanarao Apte as the Manager of the Agrani, a close friend of Mr. Nathuram Godse, a founder of the Hindu Rashtra Dal, and one of the best orators and workers of Hindusabha. But now, it is necessary to have more information (lit. acquaintance) of this youth.

* * * *

Mr. Apte became extremely uneasy at the incident of arrogance which has reached its climax. He began to think that "if I had no power to punish these arrogants, I should not call myself a 'Savarkarite'".

Readers! There is not single word of exaggeration in this.

Brothers! Mr. Apte himself and I, who am his very intimate friend, do not feel the pain caused by (lit. of blows dealt by) intoxicated power.

The motherland was vivisected, the vultures tore pieces of flesh (from her), the chastity of Hindu (lit. Arya) women was violated on the open streets, everything was lost and the big guns of the Congress eunuchs watching the rape committed on their own wives have begun to growl at you. How long can one bear this? And if this suffering is going to be a matter of habit, what greater agony can there be in transportation for life?

Exhibit—233.H—the Dainik Hindu Rashtra dated the 6th September, 1947.

Non-resisting tendency (which is) accomplished easily by animals

The strenuous nature (of the efforts) made by Gandhi and his followers (lit. Gandhi people) to make the Hindu community assimilate the revengeless and non-violent tendency like that which sheep and goats have made their own is understood. There is no reason to blame them (Gandhi and his followers) for it. But when even Dr. Shyama-prasad following in the footsteps of an imbecile Premier like Pandit Jawaharlal issues a statement and when persons who call themselves the leaders of the Hindusabha like Barrister Chatterji, the President of the Bengal Hindusabha and (Mr.) Devendranath Mukerji, the Secretary, feel agonised at the fast of Gandhi which has an ill-will against the Hindus, we are inclined to say this much that it is necessary that the Hindusabha should give more serious consideration to its health (lit. constitution).

Exhibit—233.H—the Dainik Hindu Rashtra dated the 7th September, 1947.

The Swaraj which the Congress has got is engaged in taking out tours with Mr. Liaquat Ali, while (Mahatma) Gandhi, the deity of its swaraj, is busy in showing the scene (by way) of drinking lime (lit. musambi) juice in Mr. Suhrawardy's cup.

* * * *

Where has that bravery gone

But is the actual state of affairs really such? Is the Hindu community really become so devoid of valour that it should live as refugees in large numbers running into lakhs not at all taking to heart even the dishonouring of its own women, for living somehow.

* * * *

And if anyone has really the urge for Akhand Hindustan (lit. undivided India) and if a feeling of sacrificing one's own life for its sake

has been created, then do not strike at a wrong place! Remove these obstacles (lit. bolts)!. The flood of Indian bravery will in no time integrate the whole of India into one.

Of course, all this (will be done) by peaceful ways of elections, meetings, propaganda, etc.'. What more than that can we tell?

Exhibit—233.I—the Dainik Hindu Rashtra dated the 16th December, 1947.

Pakistani reward for Congress betrayal of the Hindus.

* * * *

Gandhi, the father of all these wicked conspiracies, is openly propagating that Hindi should not be the national language. Power is an intoxicating substance. Similarly, the support of the majority too is an intoxicating influence. The Congressmen have become intoxicated today with this drug.

Exhibit—233.J—the Dainik Hindu Rashtra dated the 24th January, 1948.

* * * *

We request that the Government of India should provide more armed soldiers for Gandhiji's protection so long as he (Gandhiji) make anti-national and terrible statements as above. As Gandhiji has made gift (lit. provided) of 55 crores to Pakistan and also expressed the above statement, the Government of Pakistan should invite this Friend to visit Pakistan.

* * * *

Offence (given) to the Hindus of Gwalior

In his sermon Gandhiji also referred to a telegram sent to him by some Muslims in the Gwalior State. This grievance was to this effect, "The Hindus attacked our village and beat us, destroyed our houses and crops and the State authorities take no notice in spite of requests". Gandhiji was, of course, grieved to read this telegram and by observing, "If this incident is true, it is a thing of disgrace from the point of view of the State", indirectly suggested that the States Department of India Government should take the Gwalior Government to task (lit. should pluck the ears of the Gwalior Government). But it is only Gandhiji's spirit to blame the Hindus for every injustice without looking to the situation in the Gwalior State. Since it has become known to the world that he is a friend-well-wisher of the Muslims, a Muslim, who does not take his true or false grievance, to him, has come to be define these days as 'lazy'.

19.94 There are some other extracts from the "Agrani" which also show the trend of opinion of the editor. Ex. 152 is of the issue of July 6, 1947 which refers to the arrest of Athawale Secretary of the Hindu Mahasabha in connection with the bomb outrage and his arrest. The significant portions of the article are these: that it is gratifying to know that the Government suspects Hindu Mahasabha workers to be members of bomb conspiracies, that other workers are likely to be involved including Godse, that the Congress Government seeks the satisfaction of obstructing Hindu Sabha movement by these arrests, that the "Agrani" may stop but the Black Day observance of the 3rd July is the beginning of the fight of Hindutva.

19.95 Ex. 153 of the 8th July, 1947 complains about the harassment of Hindu youth by the Congress Government. It also complained about the surreptitious manner in which Apte's remand was taken by a Magistrate different from the one before whom he should have been produced.

19.96 Ex. 154 in the issue of the 9th July, 1947, the "Agrani" complained that the Ministry was preventing Hindu youth from achieving Akhand Bharat. It also said that Apte will not care whether he is convicted or not but he would care whether Hindu youth are allowed to carry on their work for Hindudom. It also complained that Government had taken away six rifles and 2000 cartridges from the Rifle Club founded by Apte at Ahmednagar. It also said that Apte and 25 volunteers went to a public meeting of Mr. Kriplani at Ahmednagar and demanded apology for breaking up the meeting of Mr. Jamnadas Mehta arranged by the local Hindu Mahasabha and on that being refused the meeting was broken up. Apte and other volunteers were drenched in blood. Regarding Apte, he said, "Is the society going to let such fresh flowers willingly offering themselves at the altar of the Nation". The Congress High Command has begun to scowl at you. How long will you bear this".

19.97 These passages from Ex. 152 to 154 show that the "Agrani" was lauding the prosecution of Hindu Mahasabha workers for bomb throwing and it was directing all its energies against the Government and the Congress High Command so much so that it called upon the Hindu volunteers to be up and doing something and it wanted to know how long the Hindus will bear what was happening.

19.98 From its very inception the Rashtra Dal was a movement of extremists which had adopted the ideology of Savarkar to whom the members and the volunteers were required to show unreserved and implicit allegiance and faith. Though ostensibly it was a protective movement yet it was a movement which in action was expected to be retaliatory in the sense that it was to behave towards the Muslims in the same manner that Muslims behaved towards the Hindus in Pakistan, even to the extent of destroying places of religious worship and treating men and women in the same manner that Hindus were treated in Pakistan. They were required to keep order at the meetings of the Hindu Mahasabha but in their ideology and in their action they went far beyond the ideals of the Hindu Mahasabha. It is not surprising that the brains behind the conspiracy to murder Mahatma Gandhi were the leaders of the Rashtra Dal.

19.99 According to Mr. N.M. Kamte, Inspector General of Police, the Dal was led by Chitpawan Brahmins and, as a matter of fact, the leaders of political thought in Poona were the Brahmins of that place. But even he was not aware of any anti-Gandhi movement in Poona against his person although some of the leaders did not agree with the Mahatma in his political programme, including non-violence. But there is no evidence to show that even these people with rabid views were going to assassinate Mahatma Gandhi.

19.100 Deputy Superintendent N.Y. Deulkar witness No. 6 stated that fiery speeches were being made by members of the Hindu Mahasabha and Hindu Rashtra Dal. But it did not come to his notice that their activities were prejudicial to the safety of Central leaders or Congress leaders or the stability of the State.

D. Conclusions

19.101 The Commission has given the documents and the evidence dealing with the activities of the R.S.S. and the Hindu Mahasabha in Bombay Province and at Delhi separately under two headings, the R.S.S. and the Hindu Mahasabha. But it would be more convenient if the two organisations, the R.S.S. and the Hindu Mahasabha, in regard to their activities in the Province of Bombay were treated together, and the two organisations in Delhi were taken as a separate group but considered together.

19.102 The evidence concerning the activities of the two organisations in the Province of Bombay shows that—

- (1) Government of Bombay was anxious to know through its C.I.D. the activities of the two organisations and for that purpose had a list of their leaders compiled and wanted their activities to be kept under special watch and special reports to be sent in regard to them.
- (2) The D.I.G., C.I.D., Poona, *inter alia* compiled two lists, one relating to Poona, Ex.114, and the other relating to Ahmednagar, Ex.114-A. But this appears to be a list of leaders of the Hindu Mahasabha and there does not seem to be a separate list of the leaders of the R.S.S.

The Poona List Ex.114 contains, amongst others, the names of Nathuram Godse, editor of the Hindu Rashtra, a staunch Savarkarite and a member of the Hindu Rashtra Dal; N.D. Apte also a staunch Savarkarite, organiser of the Hindu Rashtra Dal, a propagandist of Savarkarwad, and potentially dangerous; G.V. Ketkar, a staunch Savarkarite, a brain behind Hindu Mahasabha activities and influential; N.R. Athawale, also a staunch Savarkarite, potentially dangerous and a co-worker of N.D. Apte; D.R. Badge, similarly shown as potentially dangerous.

Ex.114-A of Ahmednagar District contains the name of V.R. Karkare, a staunch Savarkarite and a co-worker of N.D. Apte, also shown as potentially dangerous.

- (3) Although in the beginning special reports were being sent to Government as to the activities of the leaders of the Hindu Mahasabha and the R.S.S., they were at the suggestion of Mr. U.H. Rana, D.I.G., C.I.D., Poona, discontinued by Government.
- (4)(a) The R.S.S. was the best organised and militant Hindu organisation in India and although it was not affiliated to the Hindu Mahasabha, its prominent organisers and workers were members or sponsors of the Hindu Mahasabha ideology.
- (b) Ostensibly, it was an open organisation but it maintained secrecy about its work.
- (c) It had branches all over the Province except Surat and Baroch with a strength of about 28,306 members.
- (5) It was suspected of having a hand in communal incidents.

(6) It did not participate in the Independence Day celebration.

(7) Its activities on various religious festival occasions were rallies, flag salutations, and private meetings.

19.103 With all this, in its ideology it was an anti-Congress movement in that it did not believe in the philosophy of non-violence or non-violence in action or in secularism. It had a slant against Gandhism but its anti-Gandhism did not seem to go to the extent of personally harming Mahatma Gandhi.

19.104 The Hindu Mahasabha activities were shown to be anti-partition activities, extending from not attending Independence Day celebrations, sending volunteers to U.P. to carry on struggle there, and observing Punjab Mourning Day as a part of protest against the partition. Some of the speeches made by speakers were anti-Gandhi. Mr. G.V. Ketkar at a meeting on December 2, 1947 called Gandhism as enemy number one, and Prof. Mate blamed Pandit Nehru for scandalising Hindu Mahasabha and the R.S.S.

19.105 Dr. Parchure in a speech on the previous day had said that Gandhiji and Nehru will surely reap the fruits of their sins in a short time.

19.106 All this showed an anti-Nehru and anti-Gandhi organisational activity. The words used by Dr. Parchure were capable of being interpreted as threats of violence and yet no action could be taken because the speech was in Hindi and the police reporters could not take it down, they being only Marathi shorthand writers. That does show that the Hindu Mahasabha was carrying on propaganda against Gandhiji and Pandit Nehru. But there is no evidence to show that this propaganda was an incitement to violence against which the Government could take action against the persons carrying on the propaganda. There was a feeling of antipathy, if not animosity, against Mahatma Gandhi and his policies which were capable of bursting into more than mere verbal condemnation.

19.107 It appears to the Commission that the Bombay Provincial C.I.D. were not trained enough to gauge the true sentiments of these people. But it must be said in fairness that the persons who were carrying on this propaganda were mostly Savarkarites belonging to the Rashtra Dal group, and it is no wonder that when the facts in regard to the conspiracy were unfolded and the names of the conspirators discovered, they turned out to be that group of Savarkarites who might be termed as members of the Rashtra Dal.

19.108 The Hindu Mahasabha took full advantage of the unpopularity resulting from the partition of the country, the brutalities to which the Hindu and Sikh refugees were subjected, and the policy of appeasement of Muslims including the blatant solicitude for the Muslims at the expense of the Hindus and Sikhs who had come from western portions of Pakistan dishonoured, robbed of all their belongings, lacerated in mind and frustrated.

19.109 The Hindu Mahasabha Press was violent in its writings, but the writings were so veiled that they did not fall within the Indian Penal Code and action had to be and was taken against them under the Press (Emergency Powers) Act. The Hindu Mahasabha was critical of the Congress, wanted the establishment of a Hindu

Rashtra, but found themselves unable to fight the Congress in the elections, showing thereby that they had not that popular support of the masses. The Hindu Mahasabha was predominantly anti-Muslim although it was not anti-Gandhi this was stated by Mr. V.T. Dehejia, witness No. 84. But there was nothing to indicate that the rabidness of the Hindu Mahasabha Press was directed against Mahatma Gandhi personally.

19.110 As to the activities of these organisations in Delhi, the Hindu Mahasabha was carrying on propaganda against the Congress, particularly in regard to Mahatma Gandhi's solicitude for the Muslims at the expense of the Hindu refugees which had caused a certain amount of anger in the minds of the members of the Hindu Mahasabha whose utterances at the meetings of the 18th and 27th January showed how critical they were of the Congress and Gandhiji's way of thinking. And in spite of the slogans against Mahatma Gandhi, "MARTA HAI TO MARNE DO" and "MADANLAL ZINDABAD", there is no evidence to show that these people were prepared to carry their anti-Congress activities and anti-Gandhi propaganda to its extreme limit of assassinating Mahatma Gandhi.

19.111 There is evidence of Mr. J.N. Sahni, witness No. 95, that the refugees were extremely exasperated, the writings in the Punjab Press were sometimes savouring of violence, and yet what Mahatma Gandhi had done for the Hindu and the Sikh refugees in the Punjab was a sufficient shield against their becoming violent to the extent of murdering Mahatma Gandhi.

19.112 An experienced administrator like Mr. R.N. Bannerjee has stated that the R.S.S. as such were not responsible for the murder of Mahatma Gandhi, meaning thereby that one could not name the organisation as such as being responsible for that most diabolical crime, the murder of the apostle of peace, the like of whom the world does not see excepting after centuries.

CHAPTER XX

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CHAPTER XX

TERM OF REFERENCE (a)—MR. G.V. KETKAR
AND OTHERS

G.V. Ketkar, Wit. 1—

20.1 Mr. G.V. Ketkar, witness No. 1, is a prominent citizen of Poona. He is a grandson (daughter's son) of the great Indian Leader the late Lokmanya Bal Gangadhar Tilak. He was the editor of the 'Kesari', Tilak's paper, and was at one time the President of the Provincial Congress Committee of Bombay Province and took part in Salt Satyagrah—Dandi March—in 1930. He is connected with several other institutions; has been a member and the General Secretary of the Hindu Mahasabha and held various offices therein. He edited the English Weekly the 'Maratha' till 1955 and was the editor of the Marathi daily the 'Tarun Bharat' upto 1964. He has stated that he has now retired from active politics.

20.2 Ketkar's claim of prior knowledge—The basis of Mr. G.V. Ketkar's claim of having prior knowledge or "advance information", as he put it in his clarificatory statement regarding Nathuram Godse's "plan" or "intention" to assassinate Mahatma Gandhi, is a speech which Mr. Ketkar alleges was made by Nathuram Godse in Shivaji Mandir, Poona, in the month of July 1947. He has not given the date but he says it was in reply to Mr. Jayaprakash Narayan's speech. Before the Commission the police report and record of two of Mr. J.P. Narayan's speeches made on November 26, 1947, Exs. 122 and 122-A, have been produced. One of these was in Kirkee Bazar at a meeting of the Arsenal workers and the other at the S.P. College, Poona. Mr. Ketkar has deposed that there were two meetings one of them was in early July but when he does not remember, nor does he say where the second meeting was held and there is no police report of any other; at least none has been produced. And Mr. J.P. Narayan was an all-India leader of importance whose speeches were to be reported *in verbatim*. If there was one in July there is no reason why it should not have been reported by the police. This matter will be discussed further at a later stage.

20.3 Mr. Ketkar's account of what happened at the public meeting or what exactly was said, is, to put it in his own language, as follows—

"At a public meeting in July 1947, to protest against the acceptance of the partition of India Nathuram Godse, who was subsequently convicted and hanged for the murder of Mahatma Gandhi, stated, 'Gandhiji says he would live for 125 years—yes, if anybody allows him to live'. At that meeting Balukaka Kanitkar who was a very honest Congress worker of Poona was also with me. He was my friend. He said to me, 'What is that man talking about? It is a dangerous thing and we should let this Government know'.

"The meeting was a public meeting and it was held at Shivaji Mandir, Poona. I said to Balukaka that why should we communicate this to Government. The Police reporters were present and they would report to the Government. Balukaka said that Police reporters are lazy people and they would not report to the Government.

"After the Communal Award I had very strong apprehensions that Congress would agree to separate electorates, weightages, etc., and forsook the Congress and joined Hindu Mahasabha. I asked Balukaka that he should communicate with the Government as to what was being said by Nathuram Godse because I had joined the opposition party and he was still in the Congress.

"I told Balukaka that I shall try to dissuade Nathuram Godse from committing any such rash act if he intended to do, and that he should inform the Government to be careful about the life of Gandhiji and other Congress leaders. On a subsequent occasion, when I met Balukaka he told me that he had sent a registered letter to Bala Saheb Kher, the then Premier of Bombay".

20.4 Mr. Ketkar filed a written statement on February 12, 1968, (Ex.27-C), when he was recalled for re-examination at Poona. Therein he has stated—

"We elderly people did not sit in the crowd but remained on the outskirts to catch the main significance of the speeches, and did not wait to listen to the verbose thanksgiving and the National song. We.....i.e. Balukaka Kanitkar and myself, elderly people,.....were just standing outside the crowd to get the main theme of the meeting and retire before the thanksgivings and the songs".

20.5 When he was again recalled in January 1969 at Bombay, he stated that he was standing outside the compound wall of the Mandir which was about 7 ft. high. Commission inspected Shivaji Mandir which has buildings on two sides of the compound and along the road on front side there is a high stone wall. According to his showing, he was standing with Balukaka Kanitkar behind this wall and listening through the loudspeaker. Why on this occasion this gentleman should have chosen to stand outside behind the high stone wall listening through the loudspeaker is not clear. There is evidence that like Nathuram Godse and Apte he belongs to the same school of Hindu Mahasabha political thought and was clubbed together with them in Ex.114, report of the police, giving the names and activities of the Hindu Mahasabha workers of Poona, the correctness of which he has not challenged. At least, on two other occasions (Ex.111 and Ex.112) he not only attended the meetings where Godse was one of the speakers but also spoke at those meetings. There is no explanation why on this particular occasion he should have suddenly become 'elderly' when he could not have been more than 50 years at the time and is still quite strong looking and why he stood away from the crowd.

20.6 But this much at least is clear: that, according to Mr. Ketkar, these sinister words which led him to ask Balukaka Kanitkar to

forewarn the Government were publicly uttered in a public place, where meetings are usually held and these words must have been heard by the audience including the police reports who were presumably inside the compound and would not be far from the speakers because that is the usual practice at public meetings. The danger, these words were portending was clear to Balukaka, although for some reason in a later part of his statement Mr. Ketkar said that they were not so to him (Ketkar himself).

20.7 Mr. Ketkar in the first statement at Bombay on March 6, 1967, which has also been set out above, thought that the police would incorporate those words in their report, which Balukaka Kanitkar doubted and that was why Mr. Ketkar and Balukaka mutually agreed that Balukaka would warn the Government of the danger to the Mahatma's life, and Ketkar would try to dissuade Nathuram from carrying out his nefarious design.

20.8 The evidence of Mr. Ketkar, to put it mildly, it mutually inconsistent and a bundle of contradictions on most essential points. On this point Mr. Ketkar has stated that he did not infer the intention of Nathuram Godse from these words. He was then asked—

"Q. Did you infer this intention from only the words of Godse which you have referred to in your evidence i.e., 'Gandhi will live 125 years if anybody allows him to live'?

"A. He might have said something more but I did not hear. Balukaka Kanitkar was also there. It was really he who inferred the intention from these words. I did not infer at that time from the speech that he was going to murder Mahatma Gandhi but Balukaka Kanitkar did infer".

20.9 This shows how evasive was the reply of Mr. Ketkar in regard to this crucial point. He was put a specific question as to how it struck him to tackle Nathuram in regard to his intention when he himself did not infer anything sinister from his July speech. Mr. Ketkar's answer was that he put a straight question to Nathuram. That does not explain why he made the inquiry from Nathuram Godse. The account of Mr. Ketkar on this part of the story is this—

"Nathuram Godse came to me in October, 1947, asking for an article. I then tackled him and asked him if he was going to commit the murder of M. Gandhi himself. Then he said that it was correct that he was going to do that. Nathuram Godse used the words 'we' i.e. he said that 'we were going to do it'. But I did not attach much importance to the word 'we'".

20.10 This would indicate that upto the time Godse came to him in October, Ketkar was not apprehensive as to Gandhiji's life being in danger nor did he have any knowledge of a conspiracy or a plot, but his conclusion even after the October meeting, if he had any conclusion at all, was that the murder was going to be an individual act of Nathuram Godse himself and not that of anyone else or his in complicity with some other person or persons.

20.11 It is surprising that although this speech is the base on which Mr. Ketkar has built up the edifice of his story of prior knowledge and previous forewarning to Government, he himself did not

think it to be sinister although, according to him, Balukaka Kanitkar did. The explanation of Ketkar on this point is that the two of them had a different approach. Balukaka took the words seriously and Ketkar himself thought them to be effervescence of youth which would soon settle down. This explanation was given when he appeared as a witness for the third time at Bombay in January 1969. He said—

“Balukaka was certain about the meaning of the words but I still did suspect”.

20.12 He was still in a suspecting mood, sceptical and dubitant, then how could he have asked Balukaka to warn the Government, and himself undertake to dissuade Nathuram Godse if this was his attitude of mind. The two are in discord and do not fit in, try as hard as one may.

20.13 In spite of his promising Balukaka in July to tackle Nathuram Godse, Mr. Ketkar evidently did nothing to carry out his promise—dissuade Nathuram from carrying out his murderous design—till some time in October 1947. Even then the occasion was not at his seeking but because Godse came to him. And he made a futile and ineffectual, if not a feeble, attempt. The story of his dissuasion as deposed to by Mr. Ketkar is this: Nathuram Godse was, at the time, a struggling journalist trying to keep his paper alive and Mr. Ketkar was helping him by contributing to his newspaper the ‘Agrani’, a Marathi newspaper of Poona, which from all accounts was an aggressive, almost uncompromisingly communal Hindu Sabha paper. Nathuram Godse used to come to him for this purpose. One evening in October, 1947 he came to him and Mr. Ketkar asked him as to whether what he had stated in the public meeting was his real intention, i.e. would he murder Mahatma Gandhi. Evidently, Godse’s reply was in the affirmative because Mr. Ketkar argued with Godse for about an hour but without success. Nathuram Godse ultimately said to Mr. Ketkar that he “could not answer his arguments”.

20.14 The argument which Mr. Ketkar had used was that Partition was as a result of history and the alternative to it was separate electorates and reservations of seats and weightages. After Partition there would be pure democracy in India. He also said that Gandhiji had not come to Godse with a dagger, why should Godse then go to Gandhiji with one. He also warned him of the serious consequences of murdering Gandhi. It was this argument that Godse could not answer. But evidently, he was unconvinced and Mr. Ketkar so understood from the reply of Godse.

20.15 Mr. Ketkar has admitted that this talk he has not mentioned “publicly” before. Commission finds no proof that he has done so even “privately”, nor has he during Balukaka Kanitkar’s life time laid claim to being instrumental in getting Balukaka Kanitkar to warn Government against danger to Mahatma Gandhi’s life.

20.16 Not only was Mr. Ketkar dubitant if not skeptical about the intentions of Nathuram Godse, he never mentioned his apprehensions to anyone leaving aside for the present Balukaka who himself understood the speech of Godse to be a dangerous portent and should not have needed Mr. Ketkar’s prompting if, with Ketkar’s

background, he would prompt or could have prompted anyone to complain against or give a warning about one of his own co-adjutors and co-workers.

20.17 Mr. Ketkar has deposed that after the bomb was thrown he became certain that the intention to murder had come into operation. But as he knew that Madanlal had given out the names of his co-conspirators, he thought that they would be arrested. Unfortunately for Mr. Ketkar there is no proof that newspapers had given out the names of the co-conspirators of Madanlal, at least none have been placed before the Commission. As a matter of fact, the evidence before the Commission is the other way that with the exception of Karkare’s name no other names were given by Madanlal although in his later statements he was a little more descriptive about their appearance and avocations but even there no names were given.

20.18 Something more astounding and more definitive happened soon after the bomb was thrown. On or about the 23rd January, by a mere chance Ketkar met Badge in the street. This is the same Badge who was the approver in the conspiracy case and was at one time employed by Ketkar to collect money for one of his institutions, an orphanage. Badge told him that Godse and Apte had taken part in the bomb throwing and that they along with him (Badge) were going back to Delhi to complete their work. Again, Mr. Ketkar took no steps to inform anyone about the intentions of the conspirators nor did he do anything himself. His amazing rather breath-taking-away excuse was that Gandhiji was well protected and that he had supernatural powers and that nobody could harm him and these hot-headed people would cool down soon. Besides, he had already informed the Government through Balukaka Kanitkar. And he never thought that they (the conspirators) would go back so soon after the bomb incident. On the other hand, he thought that Godse and Apte would go into hiding to escape from being arrested. As shown by the material before the Commission, they did nothing of the kind. But all this is no excuse for his not disclosing to any authority or even to Balukaka with whom he was very friendly and who was an “honest Congressman”.

20.19 Mr. Ketkar also deposed that he had given the whole story to Mr. R. K. Khadilkar, M. P. There were hostile sentiments expressed against Gandhiji in Poona, and papers had indirectly created an atmosphere inducing to violence and occasionally the news used to come that something terrible was going to happen. Mr. Khadilkar, unfortunately for Mr. Ketkar, has no recollection of any talk with him about this matter. However, in the witness box Mr. Khadilkar admitted the existence of danger to Gandhiji’s life. If Mr. Ketkar had talked to him about this vital information, it would be difficult to imagine that Mr. Khadilkar would not have any recollection about it.

20.20 Let us now proceed to see what Mr. Ketkar did next.

20.21 After the murder, on February 14, 1948 Mr. Ketkar wrote a leading article in the “Kesari” of February 14, 1948 of which he was the editor. He did not even mention the factum of his knowledge of Nathuram’s intention or plan nor of Balukaka Kanitkar’s forewarning the authorities of the threat to the Mahatma’s life. On

the other hand, he was stunned to learn that the assassin was Nathuram Godse, whereas "they had all" thought that it was a refugee. If he (Ketkar) had prior knowledge of Nathuram's intention and also had failed to dissuade Godse and had even been told of the names of the conspirators who were going to return to Delhi to assassinate the Mahatma, then why should he have had surprise as to the assassin, particularly when along with or soon after the news of the murder the name of the assassin was given out and he was none other than Nathuram Godse, and Nathuram Godse, according to Ketkar, had publicly proclaimed his intention, had privately told him about his plan or intention if not discussed with him the *pros* and *cons*, as reported in the 'Indian Express' of November 14, 1964, and corroborate evidence came to him from Badge about the 23rd January, 1948, after the Bomb incident. Would this fact not detract from the correctness and authenticity of Mr. Ketkar's claim about the language of the July speech of Godse and his claim of forewarning?

20.22 Mr. Ketkar's attention was drawn to this article. When asked why he got stunned, he replied, "I should have thought that after the information was given to the Government and after the Bomb incident they would at least be arrested. But nothing was done", which indeed is an ingenious if not an ingenuous reason, particularly when in the very next breath he says that they all thought that the assassin was a refugee. If that was so, where did the question of forewarning come in?

20.23 In his newspaper article dated November 15, 1949, Ex. 16-A, written on the occasion of execution of Godse and Apte, where Mr. Ketkar asserted that Balukaka had informed the authorities, he did not state that Balukaka and he were together at Godse's meeting when they heard his threatening speech to kill Gandhiji, nor that he got Balukaka to write to Mr. Kher, nor that he had tried to dissuade Nathuram Godse from carrying out his intention in October, 1947. It was just a bland statement that Balukaka must have concluded from some such words as the "125 years, etc., and if anyone will let him live". No credit is taken for giving the warning, though perhaps a defence was attempted for Mr. B. G. Kher's apparent inaction. Balukaka Kanitkar appreciated this attempted defence in his letter (Ex.23).

20.24 The important portion of the article is Ex.17-A which when summarised stated that Godse, in a speech in reply to Jayaprakash Narayan's speech, had (1) expressed fury against *our leaders* who were falling a prey to the tactics of Jinnah; (2) speech contained a sentence about 125 years life of Gandhiji; (3) it must have been on the basis of some such sentence that Balukaka based his inference; (4) Balukaka cannot be blamed if even after receiving this letter Hon'ble Kher did not take a serious view of the matter; and (5) Gandhiji had a wonderful power to pacify his extremist opponents and that faith was deep-rooted in his followers and also in his opponents, meaning that that was the reason for Hon'ble Kher's not treating the matter seriously.

20.25 This was not all. The article went further. It said that Godse and Apte had expiated for their sins by paying the highest penalty, which in legal philosophy is a correct interpretation of

punishment, but what follows is dangerously significant. At page 3 of the article, as translated, there is a very significant sentence showing the mind of the writer—

"Next after the partition and Gandhi murder, the extreme penalty paid by both for the same will also incidentally come to be a part of that very historical event".

At page 4, there is another passage—

"Godse-Apte were not any hardened pests in the society or adept assassins. They were among those youths who were zealously participating in social movements according to their own views and taking utmost pains thereafter. Such persons are recipients of sympathy and admiration from all people in general. Even though they are found to have some extremist views, a degree of extravagant waywardness and a misplaced excess of enthusiasm, the impartial and elderly people do cherish for some time at least a feeling of admiration for them".

Then, there follows another passage which is equally, if not more, significant—

"As the horrors of partition befell the people.....emotional minds were greatly agitated. During this period Godse-Apte used to be restless and absorbed in pondering as if possessed by a ghost. They ceased to have any 'interest' in all such routine matters as propaganda, wooing of the electorate, elections, mass meetings, resolutions and demonstrations..... Such thoughts had crowded into their heads....."

Then follows the passage marked Ex.17-A. It has been given in full at another place. Thus, according to Mr. Ketkar, Godse and Apte were no felons, but perhaps that was the view of many others and Balukaka was one of them.

20.26 The article next mentions the "protracted" trial of Godse and Apte, the loss of life and of property suffered by innocent people, the detention of many and unnecessary hardships suffered by their families, and "the hanging of Godse and Apte must be regarded as the final offering in the sacrifice constituted by these expiations".

20.27 At another place Godse is described as a lover of the country who was maddened by the vivisection of the land. Then follows another passage—

"It is true that Gandhiji was man of high character; but it is not proper to characterise Nathuram as one of low character as the straight converse thereof. We must give up doing moral injustice to Nathuram at least after his paying extreme penalty for his crime..... If Nathuram Godse is compared with many of his contemporary workers, very few workers will be found to be on par with him in point of merits such as sacrifice, simple living, aversion to luxury, celibacy and readiness to forget oneself as against a work undertaken. Let history of the remote future give Pandit Nathuram Godse whatever of the justice expected by him....."

Thereafter follows a eulogy of Apte who, according to the article, discharges his duty by standing by the side of his bosom friend Godse—

"These two co-proprietors of the journal 'Hindu Rashtra' at last disappeared from life by giving a joint offering of their lives for the sake of the unfortunate divided Hindu Nation".

20.28 It may be conceded that for the purposes of law relating to the Press, stray passages cannot be culled out for the purpose of demanding security or confiscating it, but these passages have been put in this part of the Report to show the mentality of Mr. G. V. Ketkar for which our laws have not imposed any punishment. A gentleman who could write in this strain is the last man who would give information which might lead to the arrest of the persons he has eulogised, persons whose moods he was well acquainted with and whose motives he could appreciate and who in Ex. 114 are described as fellow Savarkarites. The article shows a closer knowledge of the life and feelings of Godse and Apte and is an *Eulogia* which, whether right or wrong, throws great doubts on the genuineness of the claim of Mr. Ketkar of being a forewarner of the danger to the life of Mahatma Gandhi with whom he has favourably compared the assassins. He also said in the article that the atmosphere in Poona was against Congress including Gandhiji. That was because they (the Congress Party) had accepted the Partition and everyone thought that everything done by the Congress was under the direction of Gandhiji. In July the cause of anger against Gandhiji was the Partition, and subsequently there were the massacres in the Punjab, particularly of the refugees travelling by the trains coming from the North, and more particularly the massacre at Gujrat Station, and lastly it was climaxed by giving away of 55 crores of rupees which enraged the people of Poona. Thus, this anger was a continuing process from June 1947 to January 1948. There was no cooling off and yet Mr. Ketkar has deposed that he did not see the dangerous trends in Godse's speech because he thought he would cool down.

20.29 In justification of his article of November 15, 1949, (Ex. 16-A), he said that other people had also pleaded for mercy for Godse and Apte, including Balukaka Kanitkar and Mashruwala; the latter was a well-known Gandhite and a firm believer in non-violence. He then said that the plan of assassination was made at Delhi, Bombay, Gwalior, and other places, in the month of January, 1947 which seems to be a mistake. In his article he had put three incidents calling them historical events—firstly, the Partition; secondly, the Gandhi Murder; and thirdly, hanging of the murderers. He was asked in the witness box—

"Q. Do you put these events of equal immensity?

A. No. They are historical events, one following the other".

This was a clever and evasive reply to a difficult question.

20.30 He also stated before the Commission that after the Partition and the events that followed, Godse and Apte became restless, moody and had no interest in any ordinary routine matter of the world and these things had tremendous effect on them. In his article

referred to above he was giving expression to the views of his readers whose opinion was that Hon'ble Kher was keeping quiet; Morarji was acting sluggishly and the police was careless. Further, he said that the criticism which was levelled against him after his speech of November 12, 1964, was not justifiable because he had already given information to Government through Balukaka. A very significant part of his statement showing his association with Nathuram Godse, rather a close one at that, is at page 15, Vol. I, in an answer to a question—

"Q. Have you anything more to say about these matters (terms of reference)?

A. I do not think I have to add anything to these matters. I was told that some letters were sent by Nathuram Godse before his execution to his relatives and friends. Those letters were never sent to the addressees. I wrote to the jail authorities in March 1965, and I was told that they were sent on to the Inspector General of Prisons. I want the letter addressed to me, if any, to be given to me or to the Commission because that would, I am sure, corroborate my statement that I tried to dissuade them from committing this murder."

20.31 It could be pleaded in defence, not without justification, although Mr. Ketkar has not said so, that when the article of February 14, 1948, was written in the 'Kesari', Mr. Ketkar might well have felt that if he disclosed at that stage that he knew of Godse's intentions to assassinate Mahatma Gandhi or that he had tried to dissuade him or that he had been given prior information by Badge about the conspiracy, he would be or might be involved in the case or, at any rate, become a target of people's fury, he being a Brahmin; Brahmins, according to his evidence, had been attacked, assaulted and insulted but there appears to have been no such fear after Nathuram Godse and Apte were executed and that was when Mr. Ketkar wrote his article, Ex. 16-A. And yet there is nothing indicative of his prior knowledge of Nathuram's intentions still less of any knowledge of the conspiracy to commit murder. If he had any such knowledge he could have disclosed it in his article and also he could and should have claimed that he had given prior information.

20.32 In his cross-examination Mr. Ketkar has admitted that on his own showing there were three occasions removed from each other by longish periods of time when the factum of danger to the Mahatma's life, i.e., of Nathuram's intention to murder Mahatma Gandhi, was disclosed to him namely, (i) July 1947 when he (Godse) made the alleged speech at Shivaji Mandir, (ii) October 1947 when Godse came to Ketkar and Ketkar tried unsuccessfully to dissuade him, and (iii) when Badge met him in January, 1948 after the Bomb incident. Till Badge had spoken to him he did not know that Apte and Badge were also involved in the intended assassination. Thus, upto then, the only person whose intentions Mr. Ketkar was aware of was Godse, and later on he came to know of the conspiracy when the names of at least three persons were disclosed to him. And they were the principal actors in the murder.

20.33 After his exhortation of dissuading Godse had failed, Mr. Ketkar did not talk to or inform Balukaka or anyone else about it. After his discussion he inferred that only Nathuram was going to commit the murder but he took no steps to get Nathuram apprehended or do anything at all to stop him from carrying out his design except mild admonition if one could accept that claim, which appears a tall claim.

20.34. He must have known Badge well because Badge was collecting money for his (Ketkar's) Hindu Orphanage. But he says that he did not know that Badge was dealing in illicit arms and yet it was he himself who had helped Badge to start the *Shashtra Bhandar* where daggers and swords were sold. The evidence shows that Badge was a collector of illicit arms and ammunition, including sten guns and flame throwers. Ketkar's attention was drawn to Badge's statement as a witness in the murder case wherein Badge had not stated that he had met him (Ketkar). To this his reply was that he met Badge by chance at about 9.00 A.M. and started talking to him as soon as he met him. Evidently, on his own Badge told Ketkar that Apte and Godse were involved in the throwing of the bomb, and would go back to Delhi to finish their job. And yet Badge avoided mentioning him in his statement. This may probably be because Ketkar was his benefactor and had befriended him earlier.

20.35 After reading the news about the bomb explosion Ketkar was expecting that both Godse and Apte would be arrested and he told Badge that he would also be arrested, because Ketkar was under the impression that Madanlal had given the names of the conspirators. When asked why he did not report or inform anyone about Apte and Godse after his meeting Badge when previously on the basis of a mere speech with sinister words he had asked Balukaka to inform Government of the intention of Godse, his answer was—

"I was editor at that time. I had no time to go about and see Balukaka. Badge said to me that bomb attempt itself was an attempt to murder and that they were going again. As I had abused him he ran away."

When asked what inference he drew from the talks he had on the three occasions about-referred to, his answer was—

"Mahatma Gandhi was alone to be killed..... I did not know the place where the attack on Mahatma Gandhi would take place."

He added—

"I knew that Godse was going to kill Mahatma Gandhi because he himself told me and Apte was going to be the helper. I did not know what means they were going to adopt to kill..... *I did not infer from the talks I had had that there was a conspiracy to murder Mahatma Gandhi.* I was under the impression that only Godse was going to commit murder."

(Italics are by the Commission).

20.36 This was his information upto January 22, 1948. It was after he met Badge that he (Ketkar) discovered that more than one person were going to take part in the murder. His position

comes to this, that he got Balukaka to forewarn the Government, inferring danger from one sentence and he did nothing when he had more definite information of a conspiracy with the names of three persons, whom he knew fairly well and who were his political partymen. Further, if any information was given by Ketkar it was not of a conspiracy to murder Mahatma Gandhi but of Godse's individual intention of doing so. Ketkar also said that if Apte and Godse were to come back to Poona he would stop them from carrying out their intention. But he never endeavoured to put his laudable intention into operation. He thought that he would be able to manage Godse because passage of time would cool him down. However, there was no cooling down even by January, 1948. We have it from the judgment in Gandhi Murder case that Nathuram Godse did return to Poona to fetch his brother and to get a revolver from him, though according to the evidence before the Commission, he never came to Poona. But there is nothing to show that Mr. Ketkar did anything. Perhaps Ketkar did not meet Godse. There is, however, no evidence that he tried to make a search for him or he moved his little finger to dissuade Godse or Apte.

20.37 Mr. Ketkar has admitted that Godse had admiration for him as an editor and that he had admiration for Godse for his celibacy and his remaining celibate for doing public work. When asked how he proposed to stop Nathuram Godse when he (Godse) had left the old organisation and had started a new one—the Hindu Rashtra Dal, which was a militant organisation, Mr. Ketkar's answer was that he was hopeful.

20.38 Mr. Ketkar was then asked as to why he did not give out the names of three persons—Badge, Apte, and Godse, although he knew the names of the conspirators. His answer again was that because Madanlal had already been arrested. This was his attitude towards all questions which he thought were embarrassing.

20.39 In answer to a question as to whether he had stated anywhere during the life time of Balukaka that he (Balukaka) had sent the information to Balasahib Kher at his (Ketkar's) instance or that he (Ketkar) had informed the Government through Balukaka, Mr. Ketkar gave a characteristically evasive reply. He said, "I had written in the article (Ex. 16) that Balukaka had written the letter after certain words had been spoken by Godse at a particular meeting." He was next questioned about Balukaka's letter (Ex. 23) which Mr. Ketkar claimed was written in appreciation of his (Ketkar's) article (Ex. 16-A) and his attention was drawn to the fact that Balukaka had not said that he sent the information at the instance of Mr. Ketkar. Ketkar's reply was, "because the letter was addressed to the 'Kesari' for publication and not sent to me personally", which does not answer the question.

20.40 The various news items which appeared in regard to the meeting of November 12, 1947 were put to Mr. Ketkar so also the clarificatory statements which he had issued and he said that they were substantially correct. He was again asked—

"Q. At the time when Balukaka Kanitkar wrote the letter to Balasahib Kher, neither you nor Balukaka knew anything about the conspiracy?"

A. No. We did not know anything. We did not know about any conspiracy."

20.41 After his speech at the felicitatory function in connection with the release of Karkare and Gopal Godse, which appeared in the press under the caption, "Poona Editor knew of the plan to murder Mahatma Gandhi", Mr. Ketkar was detained under the orders of the District Magistrate, Poona, dated November 24, 1964. Against this order he filed a review petition on December 23, 1964, which ran into 35 paragraphs. He was at the time detained in Akola District Prison. He there stated that the version in the Press in regard to the ceremony at *Udyan Mangal Karyalaya* was distorted; that he did not attend the ceremony at the same place on November 15, 1964 (which was held in connection with the Shradha or the death anniversary ceremony of Nathuram Godse and Apte). He alleged that he was invited to the function by the relatives of Godse and Apte to preside over the Puja because he had written articles in the "Kesari", the "Tarun Bharati", and the "Organiser" and urged Government to release them early by giving them full benefit of earned remissions as is done in the case of ordinary convicts.

20.42 In paragraph 8, he said that three months before the murder Nathuram had mentioned to him the idea of murdering Gandhiji and that he had tried to dissuade him by pointing out the grave consequences of the act; that Digamber Badge met him after the bomb was thrown and told him that Godse, Apte and himself had participated in the attempt and that they were going to Delhi again and that he (Ketkar) had urged upon him not to go back to Delhi because he would be arrested.

20.43 In paragraph 9, he complained that a cryptic and wrong report had appeared in the newspaper because instead of saying that 3 months earlier Nathuram had disclosed to him his idea of murder, it was reported that a few weeks earlier he had "revealed to me the plan of murder" which was absurd "as no plan was formed three months before".

20.44 In paragraph 10, he alleged that the function of the 12th November was not for honouring the released persons and in the next paragraph he again repeated the same.

20.45 In paragraph 15, he said that the correspondents asked him questions as to what he did after Nathuram Godse had disclosed his idea of murder three months before, his answer—

"A. A few days before the disclosure Nathuram in a public meeting in Shivaji Mandir, Poona, said that 'Gandhiji hopes to live for 125 years—yes, if people allow him to live'. I met Balukaka Kanitkar (Gajanan Narayan Kanitkar) an old Congress worker and spoke to him about Nathuram's public speech and *corroborating private talk*, I urged him to communicate it to authorities as his communication would be more effective. He told me some days after that he had sent a registered letter to Mr. B.G. Kher, the then Prime Minister of Bombay State".

(Italics are by the Commission)

20.46 In paragraph 16, he alleged that he was the Chief Editor of the 'Kesari' and in an article dated November 15, 1949, he published a leading article that Balukaka Kanitkar had informed Mr. B.G. Kher of the danger "to our leaders' lives".

20.47 In paragraph 18, he said that he mentioned to many people about Nathuram's idea but they did not take the matter seriously.

20.48 In paragraph 20, he said that the "shocking confession" was nothing new and that he had mentioned the fact to Mr. Khadilkar, a Congress M.P. "I related the whole thing, both of Nathuram's intention—disclosure—and Badge's talk".

20.49 Mr. Ketkar then said that he had taken part in Gandhiji's Salt Satyagraha and that no single leader was responsible for the Partition of India; that he regarded Nathuram Godse as a victim of circumstances that preceded and followed the Partition; that Gandhiji had said from the Congress platform that he pleaded for Bhai Abdul Rashid (murderer of Swami Shradhanand) who was also a victim of certain circumstances; that Gandhiji pitied Bhai Abdul Rashid, and several people pitied Nathuram Godse in a similar manner but those pitied him were afraid to express themselves; only he (Ketkar) ventured to express it in his own article in the 'Kesari'. Mr. Ketkar also mentioned that the Punjab High Court had recommended mercy, which fact is not correct; only one judge did, the other two did not, and Mr. Justice Khosla most emphatically differed from Mr. Justice Achhru Ram's suggested recommendation.

20.50 In paragraph 33, he mentioned that when he was showing some Americans round the city and was near the Jain Mandir some boys collected round him and put a garland of shoes round his neck and told the Americans that he (Ketkar) was traitor, showing thereby that there was a violent propaganda against him.

20.51 Three things emerge from this petition—

- (1) Three months before the murder, N.V. Godse disclosed to Ketkar his idea of murdering Mahatma Gandhi and he admonished him and tried to dissuade him. We shall leave the story of discussing *pros* and *cons* of murdering Gandhiji.
- (2) A few days before that Godse made a speech about Mahatma living 125 years, etc. Ketkar met Balukaka Kanitkar and urged him to warn the Government which Balukaka did. He spoke to Balukaka about the speech and the corroborative private talk he had with Nathuram Godse.
- (3) Badge met Ketkar after the bomb throwing and disclosed the names of the participants in that bomb throwing and also that they were returning to Delhi to commit the murder.

Therefore, the story of Ketkar and Kanitkar being together in the July meeting is negated by this document written by Ketkar himself while in jail. The story in this petition is of Ketkar's meeting Kanitkar somewhere and telling him of the danger to Mahatma's life and urging him to write to the authorities; secondly, even Balukaka wrote about "the leaders' lives" being in jeopardy and not particularly of Mahatma Gandhi; and thirdly, the names of the future assassins and of bomb throwers were within the knowledge of Ketkar at a later stage but he gave no warning to the authorities. This he has admitted.

20.52 After his review petition was dismissed, Mr. Ketkar filed a petition in the Bombay High Court under section 491 of the Criminal Procedure Code. In his affidavit in that court, he stated that the

meeting which was arranged on the release of Gopal Godse and Karkare was to express satisfaction and pleasure on their release and was a private function; a *Satyavinayak Mahapuja* was arranged on the said occasion; that about 125 or 150 people were present. But he did not attend the *shradh* ceremony of Nathuram Godse on November 15, 1964; that what he disclosed on that occasion was nothing new because in the 'Kesari' of November 15, 1949, he had disclosed all the facts. After stating the various matters relating to his arrest and about his being brought back from Madras, he accused the Government of malafides in respect of his arrest because it was intended to discredit the nationalist elements of Hindu Sanghatanists who did not agree with the Congress. In this connection, it would not be irrelevant to remark, as has been said earlier, that in the letter of invitation, Ex. 29, sent under the name of M.G. Ghaisas, Nathuram Godse was described as a *deshbhakata* i.e. a "patriot".

20.53 He also said that it was a misfortune that he could not dissuade Godse from the idea of murdering Gandhi. He claimed that he gave definite information of Godse's intention to Mr. B.G. Kher by a registered letter through Balukaka Kanitkar; that by release of Godse and Karkare, a historical chapter on Gandhi Murder case had been completed; that both the Congress Government of the State as well as at the Centre had sufficient notice and information "to protect the life of Mahatma Gandhi" and that "it was the negligence on the part of those in authority that had some part in the unfortunate result".

20.54 Mr. Ketkar was asked to explain what he meant by saying in his letter to this Commission dated September 14, 1965, Ex. 19, "about the fearful and disastrous consequences that would result if Godse carries out the idea". His reply is significant; he says, "What I meant was that there would be public agitation, political parties, i.e., the Congress and non-Congress parties, would fight among themselves and Brahmin and non-Brahmin controversy might flare up". He used the word, "Bhayankar", which means "awfully disastrous".

20.55 Now there is not a word that by the murder a great leader, if not a saint or one of the greatest sons of India—whom a great Christian ecclesiast, the Bishop of Oxford, described during his sermon at Great St. Mary's at Cambridge as patterned after the Buddha and Christ—will be lost to India and to the world or that the murder of a man of that stature would cause incalculable harm to India, by ending the life of a man worshipped in India and honoured outside India, and who was considered to be an apostle of peace. He was thinking in terms of Congress and non-Congress or Brahmins and non-Brahmins, but not of the immensity of the crime or its being a terrible thing to do or its tremendous impact on the destinies of India.

20.56 Further, he has deposed that he pleaded for and pitied Godse as Gandhiji pitied the murderer of Swami Shradhanand, Abdul Rashid. He asserted that he had the courage to express it in his newspaper on the day Godse was hanged i.e. on November 15, 1949. What Mr. Ketkar was ignoring was the essential difference between the philosophy of non-violence of the Mahatma and his own way of thinking. To the Mahatma non-violence was an article of faith of which this Commission finds not even a trace in the philosophy of

Mr. G.V. Ketkar, or of those with whom he chose to associate and throw in his political destiny i.e. those belonging to the aggressive, militant school of Hindu Mahasabhaistes who are mentioned in Ex. 114, the correctness of which Mr. Ketkar was honest enough not to deny.

20.57 Mr. Ketkar has stated that the plan of assassination was made at Delhi, Bombay, Gwalior and other places, in the month of January, 1947 which seems to be a mistake. The people in Poona did not know about it. About the time of the conspiracy being formed in January, Gopal Godse has also stated that it was in January, 1948 and not earlier. How Mr. G.V. Ketkar knew about all this is not clear, nor has he chosen to enlighten the Commission about it.

20.58 He also said that in his article of November 15, 1949, Ex. 16, he had equated in historical importance the three events of Partition, Gandhi murder, and the hanging of Godse and Apte. He was expressing the view of his reads "that Kher was keeping quiet, Morarji was acting sluggishly and the police was careless". He himself does not blame them because hundreds of letters come to them. He himself was also blameless as he had given information through Balukaka Kanitkar.

20.59 When asked whether he was associated with the defence of Godse, etc., he said he was interested in the defence of the accused in Gandhi Murder case, specially of Savarkar, and therefore he issued the appeal, Ex. 25, for subscriptions towards the fund, "Fund for assistance of Justice". Of course, everyone is innocent till proved guilty and has a right to be defended, and Indian law should be proud to accept that principle and help given in such defence is not blameworthy, but it is one thing to defend and quite another to indulge in *Eulogia*. When asked if he had any further information to give, he said that Godse had written from jail certain letters to his friends and relations. He wanted that any letter addressed to him should be given to him because that would corroborate his statement about dissuading Godse from killing Gandhiji. This is indicative of his having had the confidence of Godse and also where his sympathies lay.

20.60 In his cross-examination he said that he knew of the intention to murder and not the plan, and that there were three occasions when he came to know of this. He did not know about Apte's being in it till Badge told him. He knew Apte by name and sight which, in the opinion of the Commission, is the anti-thesis of truth, as is shown by the fact that he stood surety for Apte in the Library Bomb Case.

20.61 As said earlier, after Mr. Ketkar's petition to the reviewing authority was dismissed, he filed a petition under section 491 of the Criminal Procedure Code in the High Court of Bombay but this petition was also dismissed by a judgement of the Bombay High Court dated July 21, 1965. Some facts stated in the petition and the findings of the Bombay High Court are relevant and may usefully be set out here—

(1) The learned Judges have said, "According to him (Ketkar), the two Governments felt themselves embarrassed, because